

NLD—CER

# COUNCIL OF STATE

# ELECTORAL RULES AND REGULATIONS

(Corrected up to 1st December, 1935)



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# COUNCIL OF STATE ELECTORAL RULES.

## PRELIMINARY.

1. (1) These rules may be called the Council of State Electoral Rules. Short title  
and com-  
mencement.

(2) They shall come into force at once.

2. In these rules, unless there is anything repugnant in the subject or context,— Definitions.

- (a) “ the Act ” means the Government of India Act ;
- (b) “ Commissioners ” means the Commissioners appointed for the purpose of holding an election inquiry under these rules ;
- (c) “ corrupt practice ” means any act deemed to be a corrupt practice under the provisions of Schedule V ;
- (d) “ election agent ” means the person appointed under these rules by a candidate as his agent for an election ;
- (e) “ Gazette ” means the Gazette of India ; and
- (f) “ Schedule ” means a Schedule to these rules.

## PART I.

### COMPOSITION OF COUNCIL OF STATE AND CONSTITUENCIES.

3. The Council of State shall consist of—

- (1) thirty-three elected members, and
- (2) twenty-seven members nominated by the Governor General, of whom not more than twenty may be officials, and one shall be a person nominated as the result of an election held in Berar.

Composition  
of Council  
of State

#### *Elected Members.*

4. The elected members shall be elected by the constituencies specified in Schedule I, subject to the provisions of that Schedule in regard to constituencies entitled to elect in rotation, and the number of members to be elected by each constituency shall be as stated therein against that constituency ; provided that the Governor General in Council may by regulation divide into two or more constituencies any of the plural-member constituencies and may distribute among the new constituency so created the seats entered in Schedule I against the constituency which has been so divided. Constituencies.

## PART II.

## QUALIFICATIONS OF ELECTED MEMBERS.

5. (1) A person shall not be eligible for election as a member of the Council of State if such person—

- (a) is not a British subject ; or
- (b) is a female ; or
- (c) is a member of the Council of State and has made the oath or affirmation as such member ; or
- (d) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court ; or
- (e) has been adjudged by a competent court to be of unsound mind ; or
- (f) is under 25 years of age ; or
- (g) is an undischarged insolvent ; or
- (h) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part :

Provided that, if the Ruler of a State in India or any subject of such a State is not ineligible for election to the Legislative Council of a province, such Ruler or subject shall not by reason of not being a British subject be ineligible for election to the Council of State by any constituency in that province :

Provided, further, that if a resolution is passed by the Council of State after not less than one month's notice has been given of an intention to move such a resolution, recommending that the sex disqualification for election to the Council of State should be removed either in respect of women generally or any class of women, the Governor General in Council shall make regulations providing that women, or a class of women, as the case may be, shall not be disqualified for election to the Council of State by reason only of their sex, if they are not so disqualified for election by a constituency of the Legislative Council of their province :

Provided, further, that the disqualification mentioned in clause (d) may be removed by an order of the Governor General in Council in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than one year is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for election for five years from the date of the expiration of the sentence :

Provided that, on application made by a person disqualified under this sub-rule, and with the previous approval of the Governor General in Council, the local Government of a Province may by

order in this behalf remove the disqualification in respect of the eligibility of such person for election as a member of the Council of State to represent any constituency within that province.

(3) If any person is convicted of an offence under Chapter IXA of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule V, such person shall not be eligible for election for five years from the date of such conviction or of the finding of the Commissioners, as the case may be; and a person reported by any such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) If in respect of an election to any legislative body constituted under the Act a return of the election expenses of any person who has been nominated as a candidate at that election is not lodged within the time and in the manner prescribed by or under the rules made in that behalf, or if any such return is lodged which is found, either by Commissioners holding an inquiry into the election or by a Magistrate in a judicial proceeding, to be false in any material particular, neither the candidate nor his election agent shall be eligible for election for five years from the date of such election :

Provided that any disqualification mentioned in sub-rule (3) or sub-rule (4) of this rule may be removed by an order of the Governor General in Council in that behalf.

6. (1) No person shall be eligible for election as a member of the Council of State to represent—

- (a) a general constituency situate in the United Provinces or in the province of Assam, unless his name is entered on the electoral roll of a general constituency situate within the same province ;
- (b) a general constituency situate in the province of Madras, Bombay, Bengal, the Punjab or Bihar and Orissa unless his name is entered on the electoral roll of the constituency or of another constituency situate in the same province and of the same communal description as that by which he desires to be elected ;
- (c) a general constituency situate in the Central Provinces or in the province of Burma unless his name is entered on the electoral roll of the constituency.

Special  
qualifica-  
tions for  
election in  
case of  
certain  
constitu-  
encies.

(2) No person shall be eligible for election as a member of the Council of State to represent a special constituency unless his name is entered on the electoral roll of the constituency.

(3) For the purposes of these rules—

- (1) “special constituency” means a European Commerce constituency ;
- (2) “general constituency” means any constituency specified in Schedule I other than a European Commerce constituency.

### PART III.

#### THE ELECTORAL ROLL.

7. (1) Every person shall be entitled to have his name registered on the electoral roll of a constituency who has the qualifications prescribed for an elector of that constituency and who is not subject to any of the disqualifications hereinafter set out, namely :—

- (a) is not a British subject ; or
- ✓ (b) is a female ; or
- (c) has been adjudged by a competent court to be of unsound mind ; or
- (d) is under 21 years of age :

Provided that, if the Ruler of a State in India or any subject of such a State is not disqualified for registration on the electoral roll of a constituency of the Legislative Council of a province, such Ruler or subject shall not by reason of not being a British subject be disqualified for registration on the electoral roll of any constituency of the Council of State in that province :

✓ Provided, further, that, if a resolution is passed by the Council of State after not less than one month's notice has been given of an intention to move such a resolution, recommending that the sex disqualification for registration should be removed either in respect of women generally or any class of women, the Governor General in Council shall make regulations providing that women or a class of women, as the case may be, shall not be disqualified for registration by reason only of their sex, if they are not so disqualified for registration as electors for the Legislative Council of their province :

Provided, further, that no person shall be entitled to have his name registered on the electoral roll of more than one general constituency.

(2) If any person is convicted of an offence under Chapter IXA of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule V, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of five years from the date of the conviction or the

report, as the case may be, or, if not on the electoral roll, shall not be so registered for a like period ; and if any person is reported by any such Commissioners as guilty of any other corrupt practice, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of three years from the date of the report or, if not on the electoral roll, shall not be so registered for a like period :

Provided that the Governor General in Council may direct that the name of any person to whom this sub-rule applies shall be registered on the electoral roll.

8. (1) The qualifications of an elector for a general constituency shall be such qualifications based on—

Qualifications of electors.

- (i) residence, or residence and community, and
- (ii) (a) the holding of land, or
  - (b) assessment to or payment of income-tax, or
  - (c) past or present membership of a legislative body, or
  - (d) past or present tenure of office on a local authority, or
  - (e) past or present university distinction, or
  - (f) the tenure of office in a co-operative banking society, or
  - (g) the holding of a title conferred for literary merit, as are specified in Schedule II in the case of that constituency.

(2) The qualifications of an elector for a special constituency shall be the qualifications specified in Schedule II in the case of that constituency.

9. (1) An electoral roll shall be prepared for every constituency, on which shall be entered the names of all persons appearing to be entitled to be registered as electors for that constituency. It shall be published in the constituency together with a notice specifying the mode in which and the time within which any person whose name is not entered in the roll and who claims to have it inserted therein, or any person whose name is on the roll and who objects to the inclusion of his own name or of the name of any other person on the roll, may prefer a claim or objection to the Revising Authority.

(2) The regulations for the time being in force in any province for the purpose of elections to the Legislative Council of that province in regard to the following matters, namely :—

- (1) the authority by whom the electoral roll shall be prepared and the particulars to be contained in the roll,
- (2) the time at which the roll shall be prepared,
- (3) the publication of the roll in the constituency to which it relates,

- (4) the mode in which and the time within which claims and objections may be preferred,
- (5) the constitution and appointment of Revising Authorities to dispose of claims and objections,
- (6) the manner in which notices of claims or objections shall be published,
- (7) the place, date and time at which and the manner in which claims or objections shall be heard,

shall apply for the purpose of the holding of elections within that province to the Council of State :

Provided that the Governor General in Council may, by notification in the Gazette, direct that such modifications and adaptations as he may specify shall be made in the application of those regulations.

(3) The orders made by the Revising Authority shall be final, and the electoral roll shall be amended in accordance therewith and shall, as so amended, be republished in the case of each province in such manner as may be prescribed by the regulations aforesaid for the republication of electoral rolls of constituencies of the Legislative Council.

(4) The electoral roll shall come into force from the date of such republication, and shall continue in force for a period of three years after the expiration of which period a fresh roll shall be prepared in accordance with these rules :

Provided that the Governor General in Council may, by notification in the Gazette, direct the preparation in accordance with these rules of a fresh roll at any time before the expiration of the said period.

(5) If a constituency is called upon to elect a member or members after an electoral roll has ceased to have force and before the completion of the new electoral roll, the old electoral roll shall for the purposes of that election continue to operate as the electoral roll for the constituency.

(6) Notwithstanding anything hereinbefore contained, any person may apply to such authority as may be appointed in this behalf by the Governor General in Council for the amendment of any electoral roll for the time being in force, and the Governor General in Council may, at any time after any such application has been made in respect of an electoral roll, by notification in the Gazette, direct the preparation of a list of amendments thereto, and all the provisions of this rule shall apply in the case of every such list in like manner as they apply in the case of electoral rolls :

Provided that, where any such application is made for the correction of an existing entry in the electoral roll and the said authority is satisfied after such inquiry as the Governor General in Council may by regulation prescribe that the entry relates to the applicant and is erroneous or defective in any particular, he may amend the roll or cause it to be amended accordingly.

(7) When any list of amendments has been republished under sub-rule (6), the electoral roll to which it relates shall be deemed to have been amended accordingly.

10. (1) Every person registered on the electoral roll for the time being in force for any constituency shall while so registered be entitled to vote at an election of a member or members for that constituency : <sup>Right to vote.</sup>

Provided that—

- (a) no person shall vote at any general election in more than one general constituency,
- (b) no person shall vote at any election if he is subject to any disability stated in rule 7, and
- (c) no person shall vote at any election if on the date on which the poll is taken he is undergoing a sentence of transportation, penal servitude, or imprisonment.

(2) If any person is in the course of the hearing of an election petition under these rules proved to have voted at the election in contravention of the proviso to sub-rule (1), his vote shall be void.

## PART IV.

### ELECTIONS.

11. (1) Any person may be nominated as a candidate for election in any constituency for which he is eligible for election under these rules. <sup>Nomination of candidates.</sup>

(2) The local Government shall appoint for each constituency—

- (a) a date, not later than the fourteenth day after the date of the notification calling upon the constituency to elect a member, for the nomination of candidates ;
- (b) a further date, not later than the seventh day after the first-mentioned date, for the scrutiny of nominations ; and
- (c) a further date or dates on which a poll shall, if necessary, be taken ;

and the dates so appointed shall be notified in the constituency in such manner as the local Government thinks fit.

(3) On or before the date so appointed for the nomination of candidates, each candidate shall, either in person or by his proposer and seconder together, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon deliver to the Returning Officer or to such other person as may be authorised in this behalf by regulation a nomination paper completed in the form prescribed in Schedule III and subscribed by the candidate himself as assenting to the nomination and by two persons and proposer and seconder whose names are registered on the electoral roll of the constituency

(4) Any person whose name is registered on the electoral roll of the constituency, and who is not subject to any disability stated in rule 7, may subscribe, as proposer or seconder, as many nomination papers as there are vacancies to be filled but no more.

(5) Every nomination paper delivered under sub-rule (3) shall be accompanied by a declaration in writing subscribed by the candidate that the candidate has appointed or does thereby appoint as his election agent for the election either himself or some one other person who is not disqualified under these rules for the appointment and who shall be named in the declaration ; and no candidate shall be deemed to be duly nominated unless such declaration is delivered along with the nomination paper.

(6) Any nomination paper which is not received before three o'clock in the afternoon on the date appointed by the local Government for the nomination of candidates shall be rejected.

(7) The Returning Officer or other person authorised shall, on receiving a nomination paper under sub-rule (3), inform the person or persons delivering the same of the date, hour and place appointed for the scrutiny of nominations, and shall enter in the nomination paper its serial number and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him ; and shall, as soon as may be thereafter, cause to be affixed in some conspicuous place in his office a notice of the nomination containing descriptions, similarly to those contained in the nomination paper, both of the candidate and of the persons who have subscribed the nomination paper, as proposer and seconder.

(8) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Returning Officer, or other person authorised on or before three o'clock in the afternoon on the date succeeding that appointed by the local Government for the scrutiny of nominations. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election

(9) The Returning Officer or other person authorised shall, on receiving a notice of withdrawal under sub-rule (8), as soon as may be, cause a notice of the withdrawal to be affixed in some conspicuous place in his office.

12. (1) On or before the date appointed for the nomination of candidates, each candidate shall deposit or cause to be deposited with the Returning Officer the sum of five hundred rupees in cash or in Government Promissory Notes of equal value at the market rate of the day ; and no candidate shall be deemed to be duly nominated unless such deposit has been made. Deposit on nomination.

(2) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made withdraws his candidature in the manner and within the time specified in sub-rule (8) of rule 11, or if the nomination of any such candidate is refused, the deposit shall be returned to the person by whom it was made ; and, if any candidate dies before the commencement of the poll, any such deposit, if made by him, shall be returned to his legal representative or, if not made by the candidate, shall be returned to the person by whom it was made.

(3) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made is not elected and the number of votes polled by him does not exceed, in the case of a constituency returning one or two members, one-eighth of the total number of votes polled or, in the case of a constituency returning more than two members, one-eighth of the number of votes polled divided by the number of members to be elected, the deposit shall be forfeited to the Government.

(4) For the purpose of sub-rule (3), the number of votes polled shall be deemed to be the number of ballot papers, other than spoilt ballot papers, counted ; and, where the election is held according to the system of proportional representation by means of the single transferable vote, the number of votes polled by a candidate shall be the number of votes polled by him as first preferences.

(5) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made is elected and thereafter his seat is declared vacant under these rules owing to his failure to make the oath or affirmation hereinafter prescribed, the deposit shall be forfeited to the Government.

(6) The deposit made in respect of a candidate who is not elected shall, if it is not forfeited under sub-rule (3), be returned to the candidate or to the person who has made the deposit on his behalf, as the case may be, as soon as may be after the publication of the result of the election in the Gazette ; and the deposit made in respect of a candidate who is elected shall, if it is not forfeited under sub-rule (5), be so returned as soon as may be after the candidate has made the oath or affirmation hereinafter prescribed or in pursuance of a direction by the Governor General in Council for the return of the deposit despite the fact that the said oath or affirmation has not been made :

Provided that, if a candidate is duly nominated at a general election in more than one constituency, not more than one of the deposits made by him or on his behalf shall be returned, and the remainder shall be forfeited to the Government.

13. If a candidate who has been duly nominated dies after the date appointed for the scrutiny of nominations and before the date appointed for the taking of a poll, the Returning Officer or other authorised person referred to in sub-rule (3), of rule 11 shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the local Government, and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election :

Provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermanding of the poll.

14. (1) If the number of candidates who are duly nominated and who have not withdrawn their candidature in the manner and within the time specified in sub-rule (8) of rule 11 exceeds that of the vacancies, a poll shall be taken.

(2) If the number of such candidates is equal to the number of vacancies, all such candidates shall be declared to be duly elected.

(3) If the number of such candidates is less than the number of vacancies all such candidates, if any, shall be declared to be elected, and the Governor General shall, by a notification in the Gazette, call upon the constituency to elect a person or persons, as the case may be, within such time as may be prescribed by the notification :

Provided that, where the constituency, having already been called upon under this sub-rule, has failed to elect a person or the requisite number of persons, as the case may be, to fill the vacancy or vacancies, the Governor General shall not be bound to call again upon the constituency to elect a person or persons until such time, if any, as he thinks fit.

(4) Votes shall be given by ballott, and no votes shall be received by proxy.

(5) In plural-member constituencies every elector shall have as many votes as there are members to be elected, but no elector shall give more than one vote to any one candidate except in the case of the Bombay (non-Muhammadan) constituency, in which constituency an elector may accumulate all his votes on any one candidate or may distribute them among the candidates as he pleases.

Provided that, in the Madras (non-Muhammadan) constituency, the election shall be made according to the principle of proportional representation by means of the single transferable vote, and votes shall be given in accordance with regulations made in that behalf by the Governor General in Council.

(6) Votes shall be counted by, or under the supervision of, the Returning Officer, and each candidate, the election agent of each candidate, and one representative of each candidate authorised in writing by the candidate shall have a right to be present at the time of counting.

(7) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been given to be elected :

Provided that, in the Madras (non-Muhammadan) constituency, the Returning Officer shall determine the candidates to whom the largest number of votes has been given in accordance with the regulations made in that behalf.

(8) Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

(9) The Returning Officer shall without delay report the result of the election to the Secretary to the Government of India in the Legislative Department, and the name or names of the candidate or candidates elected shall be published in the Gazette.

15. The regulations for the time being in force in any province for the purpose of elections to the Legislative Council of that province in regard to the following matters, namely :—

Regulations  
regarding  
the conduct  
of elections.

- (1) for the scrutiny of nominations and, in particular, for the manner in which such scrutiny shall be conducted and for the conditions and circumstances in which any person may be present or may enter objections thereat,
- (2) for the appointment in each constituency of a Returning Officer and for his powers and duties, and for the performance by other persons of any power or duty of the Returning Officer.
- (3) for the division of general constituencies into polling areas and for the appointment of polling stations for these areas,
- (4) for the appointment of officers to preside at polling stations, and for the duties of such officers,
- (5) for the checking of voters by reference to the electoral roll,
- (6) for the manner in which votes are to be given, both generally and in the case of illiterate voters or voters under physical or other disability,

- (7) for the procedure to be followed in respect of tender of votes by persons representing themselves to be electors after other persons have voted as such electors,
- (8) for the scrutiny of votes,
- (9) for the safe custody of ballot papers and other election papers, for the period for which such papers shall be preserved, and for the inspection and production of such papers, and
- (10) for the conduct of elections generally,

shall apply for the purpose of the holding of elections within that province to the Council of State :

Provided that the Governor General in Council may, by notification in the Gazette, direct that such modifications and adaptations as he may specify shall be made in the application of those regulations

In particular the Governor General in Council may, if a resolution in favour of the introduction of proportional representation is passed by the Council of State after not less than one month's notice has been given of an intention to move such a resolution, introduce for any plural-member constituencies the method of election by the single transferable vote, and may make all necessary regulations for the purpose and may group together single-member constituencies so as to make new plural-member constituencies.

Multiple  
elections.

16. (1) If any person is elected by more than one constituency, he shall, by notice in writing signed by him and delivered to the Secretary to the Government of India in the Legislative Department within seven days from the date of the publication of the result of such election in the Gazette, choose for which of these constituencies he shall serve, and the choice shall be conclusive.

(2) When any such choice has been made, the Governor General shall call upon any constituency or constituencies for which such person has not chosen to serve to elect another person or persons.

(3) If the candidate does not make the choice referred to in sub-rule (1) of this rule, the elections of such person shall be void, and the Governor General shall call upon the constituency or constituencies concerned to elect another person or persons.

#### *Election Agents and Return of Expenses.*

Disqualifi-  
cation for  
being an  
election  
agent.

17. No person shall be appointed an election agent who is himself ineligible for election as being subject to any disqualification mentioned in sub-rule (3) or sub-rule (4) of rule 5.

Revocation  
of the  
appointment  
of election  
agent.

18. (1) The appointment of an election agent, whether the election agent appointed be the candidate himself or not, may only be revoked in writing signed by the candidate and lodged with the officer receiving nominations, and shall operate from the date on which it is so lodged.

(2) In the event of such a revocation or of the death of any election agent, whether such event occurs before, during or after the election, then the candidate shall appoint forthwith another election agent and declare his name in writing to the said officer

19. (1) Within thirty-five days from the date of the publication of the result of an election under sub-rule (9) of rule 14, there shall be lodged with the Returning Officer in respect of each person who has been nominated as a candidate for the election a return, in such form as the Governor General in Council may by regulation prescribe, of the election expenses of such person containing the particulars specified in Schedule IV and signed both by the candidate and by his election agent. Return of election expenses.

(2) Every such return shall contain a statement of all payments made by the candidate or by his election agent or by any persons on behalf of the candidate or in his interests for expenses incurred on account of, or in respect of the conduct and management of, the election, and further a statement of all unpaid claims in respect of such expenses of which he or his election agent is aware

(3) The return shall be accompanied by declarations by the candidate and his election agent which shall be in the form contained in the said Schedule, and shall be made on oath or affirmation before a Magistrate.

(4) Notwithstanding anything hereinbefore contained, where a candidate is, owing to absence from India, unable to sign the return of election expenses and to make the declaration within the period prescribed in this rule, the return shall be signed and lodged by the election agent only and shall be accompanied by a declaration by the election agent under sub-rule (3), and, within fourteen days after the return of the candidate to India, he shall cause to be lodged with the Returning Officer a declaration made on oath or affirmation before a Magistrate in the special form for the purpose contained in the said Schedule.

(5) When any return and the declarations made in respect thereof have been lodged with the Returning Officer, the Returning Officer shall, as soon as may be, cause a notice of the date on which the return and declarations in question have been lodged, and of the time and place at which they can be inspected, to be fixed in some conspicuous place in his office and to be published in the local official Gazette, and any person shall, on payment of a fee of one rupee, be entitled to inspect any such return or declaration and, on payment of such fee as the local Government may prescribe, to obtain a copy or copies thereof or of any part thereof

(6) The Governor General in Council shall cause to be prepared in such manner, and maintained for such time, as he may direct, a record showing the names of all candidates at every election under

these rules and the name of the election agent of each such candidate and the date on which the return of election expenses of each candidate has been lodged with the Returning Officer.

Power to fix maximum scales of expenditure and to regulate employment for pay.

20. (1) The Governor General in Council may, by notification in the Gazette—

(a) fix maximum scales of election expenses, which shall be applicable to any election held after the first elections under these rules ; and

(b) prescribe the numbers and descriptions of persons who may be employed for payment in connection with any election held under these rules.

(2) Any notification issued under this rule may make different provisions for different constituencies.

Accounts of agents.

21. Every election agent shall for each election for which he is appointed an election agent keep separate and regular books of account in which the particulars of all expenditure of the nature referred to in rule 19 shall be entered, whether such expenditure is incurred by the candidate or by the election agent or by any person under the direction of the candidate or the election agent.

## PART V.

### NOMINATED MEMBERS.

General dis-qualifications for nomination.

22. (1) Save as expressly provided in these rules in regard to the nomination of a person elected in Berar, no person shall be nominated to the Council of State who—

(a) is not a British subject : or

(b) is a female ; or

(c) is a member of the Council of State and has made the oath or affirmation as such member ; or

(d) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court ; or

(e) has been adjudged by a competent court to be of unsound mind ; or

(f) is under 25 years of age , or

(g) is an undischarged insolvent ; or

(h) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part :

Provided that, if the Ruler of a State in India or any subject of such a State is not disqualified for nomination to the Legislative Council of a province, such Ruler or subject shall not by reason of not being a British subject be disqualified for nomination to the Council of State to represent that province .

Provided, further, that if a resolution has been passed by the Council of State for the removal of the sex disqualification in the manner provided in sub-rule (1) of rule 5, the Governor General in Council shall make regulations providing that women, or a class of women, as the case may be, shall not be disqualified by reason only of their sex for nomination to the Council of State.

Provided, further, that the disqualification mentioned in clause (d) may be removed by an order of the Governor General in Council in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than one year is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for nomination for five years from the date of the expiration of the sentence.

Provided that, on application made by a person disqualified under this sub-rule, the disqualification may be removed by order in this behalf :

(a) in respect of the eligibility of such person for nomination as the result of an election held in Berar, by the local Government of the Central Provinces with the previous approval of the Governor General in Council, and

(b) in respect of the eligibility of such person for nomination otherwise than as the result of such election, by the Governor General in Council.

(3) If any person is convicted of an offence under Chapter IX A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule V, such person shall not be eligible for nomination for five years from the date of such conviction or of the finding of the Commissioners, as the case may be; and a person reported by any such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) If in respect of an election to any legislative body constituted under this Act a return of the election expenses of any person who has been nominated as a candidate at the election is not lodged within the time and in the manner prescribed by or under the rules made in that behalf, or if any such return is lodged which is found either by Commissioner holding an inquiry into the election or by a Magistrate in a judicial proceeding to be false in any material particular, neither the candidate nor his election agent shall be eligible for nomination for five years from the date of the election.

Provided that any disqualification mentioned in sub-rule (3) or sub-rule (4) of this rule may be removed by an order of the Governor General in Council in that behalf.

Term of  
office of  
nominated  
member

23. (1) A nominated non-official member shall hold office for the duration of the Council of State to which he is nominated

(2) Official members shall hold office for the duration of the Council of State to which they are nominated or for such shorter period as the Governor General may, at the time of nomination, determine.

## PART VI.

### GENERAL PROVISIONS

#### *Obligation to take Oath.*

Taking of  
oath.

24 Every person who is elected or nominated to be a member of the Council of State shall before taking his seat make, at a meeting of the Council of State, an oath or affirmation of his allegiance to the Crown in the following form, namely —

I, A. B having been <sup>elected</sup>/<sub>nominated</sub> a member of this Council, do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter

#### *Vacation of seat.*

24 A. If any person, having been elected or nominated, is found to have been subject at the time of his election or nomination to any of the disabilities stated in rule 5 or in rule 22, as the case may be, the Governor General may, if the disqualification has not been removed under these rules by notification in the Gazette, declare his seat to be vacant.

Effect of  
subsequent  
disabilities  
or failure to  
take oath.

25. If any person having been elected or nominated subsequently becomes subject to any of the disabilities stated in clauses (a), (d), (e), (g) and (h) of sub-rule (1) or in sub-rules (2), (3) and (4) of rule 5 or of rule 22, as the case may be, or fails to make the oath or affirmation prescribed by rule 24 within such time as the Governor General considers reasonable, the Governor General shall, if the disqualification has not been removed under these rules by notification in the Gazette, declare his seat to be vacant.

Casual  
vacancies.

26 (1) When a vacancy occurs in the case of an elected member by reason of his election being declared void or his seat being declared vacant, or by reason of absence from India, inability to attend to duty, death, acceptance of office or resignation duly accepted, the Governor General shall, by notification in the Gazette, call upon the constituency concerned to elect a person for the purpose of filling the vacancy within such time as may be prescribed by such notification.

(2) If a vacancy occurs in the case of a nominated member, the Governor General shall nominate to the vacancy a person having the necessary qualification under these rules.

### *General Elections.*

27. (1) On the expiration of the duration of a Council of State or on its dissolution, a general election shall be held in order that a new Council of State may be constituted. Reconstitution of Council of State.

(2) On such expiration or dissolution, the Governor General shall, by notification in the Gazette, call upon the constituencies referred to in rule 4 to elect members in accordance with these rules within such time after the date of expiration or dissolution as may be prescribed by such notification :

Provided that, if the Governor General thinks fit, such notification may be issued at any time not being more than three months prior to the date on which the duration of the Council of State would expire in the ordinary course of events

(3) Before the date fixed for the first meeting of the Council of State, the Governor General shall make such nominations as may be necessary to complete the Council of State.

28. As soon as may be after the expiration of the time fixed for the election of members at any general election, the names of the members elected for the various constituencies at such election shall be notified in the Gazette. Publication of result of election.

29. If any difficulty arises as to the preparation or publication of any electoral roll or of any list of amendments to any such roll, or as to the holding of any election under these rules, the Governor General in Council may by order do anything not inconsistent with these rules which appears to him to be necessary for the proper preparation or publication of the roll or for the proper holding of the election. Powers of Governor General in case of difficulty.

## PART VII.

### THE FINAL DECISION OF DOUBTS AND DISPUTES AS TO THE VALIDITY OF AN ELECTION.

30. In this Part and in Schedule V, unless there is anything repugnant in the subject or context— Definitions.

- (a) "Agent" includes an election agent and any person who is held by Commissioners to have acted as an agent in connection with an election with the knowledge or consent of the candidate ;

- (b) "candidate" means a person who has been nominated as a candidate at any election or who claims that he has been so nominated, or that his nomination has been improperly refused, and includes a person who, when an election is in contemplation, holds himself out as a prospective candidate at such election, provided that he is subsequently nominated as a candidate at such election ;
- (c) "electoral right" means the right of a person to stand or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at an election ; and
- (d) "returned candidate" means a candidate whose name has been published under these rules as duly elected.

**The election  
petition.**

31. Save as provided in rule 24-A, no election shall be called in question except by an election petition presented in accordance with the provisions of this Part.

**Presentation  
of the  
petition**

32. (1) An election petition against any returned candidate may be presented to the Governor General—

- (a) by any candidate or elector within fourteen days from the date on which the return of the election expenses of the returned candidate and the declarations referred to in rule 19 are received by the Returning Officer ; or
- (b) within thirty days from that date by an officer empowered by the Governor General in Council in this behalf on the ground that the election has not been a free election by reason of the large number of cases in which undue influence or bribery has been exercised or committed ; or
- (c) on the ground that the returned candidate or his election agent or any other person acting with the connivance of the candidate or of his election agent has been guilty of the offence of bribery, undue influence or personation as defined in Chapter IXA of the Indian Penal Code in respect of the election, by any candidate or elector within fourteen days from the date on which such returned candidate, election agent or other person is convicted of such offence.

(2) An election petition shall be deemed to have been presented to the Governor General when it is delivered to the Governor General or to any officer appointed by him in this behalf—

- (a) by the person making the petition ; or
- (b) by a person authorised in writing in this behalf by the person making the petition ; or
- (c) by registered post.

(3) When the last day of the period for the presentation of an election petition under this rule is a public holiday within the meaning of section 25 of the Negotiable Instruments Act, 1881, or has been notified by the local Government of the province in which the petition is presented as a day to be observed as a holiday in Government offices, the petition shall be considered as having been received in due time if it is presented on the next succeeding day which is neither such a public holiday nor a day so notified.

(4) For the purposes of clause (a) of sub-rule (1), the date on which the return of the election expenses and the declarations referred to in rule 19 are received by the Returning Officer shall, in the case of a candidate who has made such return and declaration in the manner provided in sub-rule (4) of that rule, be deemed to be the date on which the declaration of the candidate under that sub-rule is received.

33. (1) The petition shall contain a statement in concise form of the material facts on which the petitioner relies and shall, where necessary, be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner prescribed for the verification of pleadings in the Code of Civil Procedure, 1908. Contents of the petition.

(2) The petition shall be accompanied by a list signed and verified in like manner setting forth full particulars of any corrupt practice which the petitioner alleges, including as full a statement as possible as to the names of the parties alleged to have committed any corrupt practice and the date and place of the commission of each such practice.

(3) The Commissioners may, upon such terms as to costs and otherwise as they may direct at any time, allow the particulars included in the said list to be amended or order such further and better particulars in regard to any matter referred to therein to be furnished as may in their opinion be necessary for the purpose of ensuring a fair and effectual trial of the petition.

34. The petitioner may, if he so desires, in addition to calling in question the election of the returned candidate, claim a declaration that he himself or any other candidate has been duly elected; in which case he shall join as respondents to his petition all other candidates who were nominated at the election. Against whom it may be presented.

35. At the time of presentation of the petition, the petitioner shall, except where the petition is presented under clause (b) of sub-rule (1) of rule 32, deposit with it the sum of one thousand rupees in cash or in Government Promissory Notes of equal value at the market rate of the day as security for the costs of the same. Deposit of security.

36. (1) If the provisions of rule 32, rule 33 or rule 35 are not complied with, the Governor General shall dismiss the petition : Dismissal for default

Provided that if the person making the petition satisfies the Governor General that he had sufficient cause for not presenting the petition within the period prescribed in rule 32 the Governor General shall have discretion to condone the failure to comply with that rule

Appointment  
of Commis-  
sioners.

(2) If the petition is not dismissed under sub-rule (1)—

(a) the Governor General shall appoint as Commissioners for the trial of the petition three persons who are or have been, or are eligible to be appointed Judges of a High Court within the meaning of section 101 (3) of the Act, and shall appoint one of them to be the President, and thereafter all applications and proceedings in connection therewith shall be dealt with and held by such Commissioners,

(b) the President of the Commission shall, as soon as may be, cause a copy of the petition to be served on each respondent and to be published in the Gazette, and may call on the petitioner to execute a bond in such amount and with such sureties as he may require for the payment of any further costs. At any time within fourteen days after such publication, any other candidate shall be entitled to be joined as a respondent on giving security in a like amount and procuring the execution of a like bond :

Provided that the execution of such a bond by the petitioner shall not be required in any case where the petition has been presented under clause (b) of sub-rule (1) of rule 32.

(3) When in respect of an election in a constituency more petitions than one are presented, the Governor General shall refer all such petitions to the same Commissioners, who may at their discretion inquire into the petitions either in one or in more proceedings as they shall think fit.

(4) If the services of any Commissioner are not available for the purpose of the inquiry, or if, during the course of the inquiry any Commissioner is unable to continue to attend the same, the Governor General shall appoint another Commissioner, and the inquiry shall re-commence before the Commission as so reconstituted.

Provided that the Commissioners may direct that any evidence already recorded may remain upon the record, in which case it shall not be necessary to re-examine those witnesses who have already been examined and discharged.

(5) Nothing in this rule shall be deemed to prevent the appointment of the President of a Commission before the other Commissioners are appointed and, if the President is so appointed, all references to the Commissioners in these rules shall, in respect of any matter which may be or is to be done before the commencement of the inquiry, be deemed to be references to the President.

37 Subject to the other provisions of these rules, every election petition shall be inquired into by the Commissioners, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908, to the trial of suits . Inquiry by Commissioners.

Provided that it shall only be necessary for the Commissioners to make a memorandum of the substance of the evidence of any witness examined by them.

38. The inquiry shall be held at such place as the Governor General may appoint Place of inquiry.

Provided that the Commissioners may in their discretion sit for any part of the inquiry at any other place in the province in which the constituency in question is situated, and may depute any one of their number to take evidence at any place in that province

39. (1) An election petition may be withdrawn only by leave of the Commissioners or, if an application for withdrawal is made before any Commissioner has been appointed of the Governor General. Withdrawal of petition.

(2) If there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

(3) When an application for withdrawal is made to the Commissioners, notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the Gazette

(4) No application for withdrawal shall be granted if, in the opinion of the Governor General or of the Commissioners, as the case may be, such application has been induced by any bargain or consideration which ought not to be allowed.

(5) If the application is granted—

(a) the petitioner shall, where the application has been made to the Commissioners, be ordered to pay the cost of the respondent therefore incurred or such portion thereof as the Commissioners may think fit ;

(b) notice of the withdrawal shall be published in the Gazette by the Governor General or by the Commissioners, as the case may be ;

(c) any person who might himself have been a petitioner may, within fourteen days of such publication, apply to be substituted as petitioner in place of the party withdrawing, and, upon compliance with the conditions of rule 35 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioners may think fit.

Abatement  
or  
substitution  
on death of  
petitioner.

40. (1) An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners :

Provided that, where such sole petitioner was an officer empowered under clause (b) of sub-rule (1) of rule 32, the proceedings may be continued by any other officer empowered in this behalf by the Governor General in Council.

(2) Notice of the abatement of an election petition shall be published in the Gazette by the Commissioners or, if the petition abates before any Commissioner has been appointed, by the Governor General.

(3) Any person who might himself have been a petitioner may, within fourteen days of such publication, apply to be substituted as petitioner, and, upon compliance with the conditions of rule 35 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioners may think fit.

Abatement  
or  
substitution  
on death of  
respondent.

41. If before the conclusion of the trial of an election petition the respondent dies or gives notice that he does not intend to oppose the petition, the Commissioners shall cause notice of such event to be published in the Gazette, and thereupon any person who might have been a petitioner may, within fourteen days of such publication, apply to be substituted for such respondent to oppose the petition, and shall be entitled to continue the proceedings upon such terms as the Commissioners may think fit.

Recrimina-  
tion when  
seat claimed.

42. (1) Where at an inquiry into an election petition any candidate other than the returned candidate, claims the seat for himself, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented complaining of his election.

Provided that the returned candidate or such other party as aforesaid shall not be entitled to give such evidence unless he has, within fourteen days from the date of the publication of the election petition under clause (b) of sub-rule (2) of rule 36, given notice of his intention to the Commissioners and made the deposit and procured the execution of the bond referred to in rules 35 and 36, respectively.

(2) Every notice referred to in sub-rule (1) shall be accompanied by the statement and list of particulars required by rule 33 in the case of an election petition, and shall be signed and verified in like manner.

Attendance  
of Law  
Officers.

43. When at an inquiry into an election petition the Commissioners so order, the Advocate General or some person acting under his instructions shall attend and take such part therein as they may direct.

*Explanation.*—The expression “ Advocate General ” includes also a Government Advocate, or, where there is no Advocate General or Government Advocate, such other officer as the local Government may appoint in this behalf.

44. (1) Save as hereinafter provided in this rule, if in the opinion of the Commissioners—

Grounds for  
declaring  
election  
void.

- (a) the election of a returned candidate has been procured or induced, or the result of the election has been materially affected, by a corrupt practice, or
- (b) any corrupt practice specified in Part I of Schedule V has been committed, or
- (c) the result of the election has been materially affected by the improper acceptance or refusal of any nomination or by the improper reception or refusal of a vote or the reception of any vote which is void or by any non-compliance with the provisions of the Act or the rules or regulations made thereunder, or by any mistake in the use of any form annexed thereto, or
- (d) the election has not been a free election by reason of the large number of cases in which undue influence or bribery, within the meaning either of Part I or of Part II of Schedule V has been exercised or committed, the election of the returned candidate shall be void.

(2) If the Commissioners report that a returned candidate has been guilty by an agent (other than his election agent) of any corrupt practice specified in Part I of Schedule V which does not amount to any form of bribery other than treating as hereinafter explained or to the procuring or abetment of personation, and if the Commissioners further report that the candidate has satisfied them that—

- (a) no corrupt practice was committed at such election by the candidate or his election agent, and the corrupt practices mentioned in the report were committed contrary to the orders and without the sanction or connivance of such candidate or his election agent, and
- (b) such candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at such election, and
- (c) the corrupt practice mentioned in the said report were of a trivial, unimportant and limited character and
- (d) in all other respects the election was free from any corrupt practice on the part of such candidate or any of his agents,

then the Commissioners may find that the election of such candidate is not void.

*Explanation.*—For the purpose of this sub-rule “treating” means the incurring in whole or in part by any person of the expense of giving or providing any food, drink, entertainment or provision

to any person with the object, directly or indirectly, of including him or any other person to vote or refrain from voting or as a reward for having voted or refrained from voting.

Report of  
Commis-  
sioners and  
procedure  
thereon.

45. (1) At the conclusion of the inquiry, the Commissioners shall report whether the returned candidate, or any other party to the petition who has under the provisions of these rules claimed the seat, has been duly elected, and in so reporting shall have regard to the provisions of rule 44

(2) The report shall further include a recommendation by the Commissioners as to the total amount of costs which are payable and the persons by and to whom such costs should be paid. Such recommendation may include a recommendation for the payment of costs to the Advocate General or a person acting under his instructions, attending in pursuance of an order made under rule 43

(3) The report shall be in writing and shall be signed by all the Commissioners. The Commissioners shall forthwith forward their report to the Governor General who, on receipt thereof, shall issue orders in accordance with the report and publish the report in the Gazette, and the orders of the Governor General shall be final.

Form of  
report.

46 If either in their report or upon any other matter there is a difference of opinion among the Commissioners, the opinion of the majority shall prevail, and their report shall be expressed in the terms of the views of the majority.

Finding as  
to corrupt  
Practices  
and persons  
guilty  
thereof.

47. Where any charge is made in an election petition of any corrupt practice, the Commissioners shall record in their report—

(a) a finding whether a corrupt practice has or has not been proved to have been committed by any candidate or his agent, or with the connivance of any candidate or his agent, and the nature of such corrupt practice, and

(b) the names of all persons (if any) who have been proved at the inquiry to have been guilty of any corrupt practice and the nature of such corrupt practice with any such recommendations as they may desire to make for the exemption of any such persons from any disqualifications they may have incurred in this connection under these rules

Provided that no person shall be so named in the report unless he has been given a reasonable opportunity of showing cause why his name should not be so recorded.

## PART VIII.

### SPECIAL PROVISION.

Interpreta-  
tion in case  
of doubt.

48. If any question arises as to the interpretation of these rules otherwise than in connection with an election inquiry held thereunder, the question shall be referred for the decision of the Governor General, and his decision shall be final.

## SCHEDULE I.

(See rule 4.)

*I.—List of Constituencies entitled to representation in every Council of State.*

Province	Name of Constituency	Class of Constituency.	Extent of Constituency	Number of Members.
Madras	Madras (Non-Muhammadan)	Non-Muhammadan.	The Madras Presidency.)	4
Ditto	Madras (Muhammadan)	Muhammadan	Ditto	1
Bombay	Bombay (Non-Muhammadan)	Non-Muhammadan	The Bombay Presidency, excluding Aden.	3
Ditto	Bombay Presidency (Muhammadan.)	Muhammadan	The Bombay Presidency, excluding Sind and Aden	1
Ditto	Sind (Muhammadan)	Ditto	The Province of Sind	1
Ditto	Bombay Chamber of Commerce	European Commerce.	(Non-territorial)	1
Bengal	East Bengal (Non-Muhammadan)	Non-Muhammadan	The Dacca, Rajshahi and Chittagong Divisions. excluding the Darjeeling District and the Chittagong Hill Tracts	1
Ditto	West Bengal (Non-Muhammadan)	Ditto	The Presidency and Burdwan Divisions.	2
Ditto	East Bengal (Muhammadan)	Muhammadan	The Dacca, Rajshahi and Chittagong Divisions excluding the Darjeeling District and the Chittagong Hill Tracts	1
Ditto	West Bengal (Muhammadan).	Ditto	The Presidency and Burdwan Divisions.	1
Ditto	Bengal Chamber of Commerce	European Commerce.	(Non-territorial)	1
United Provinces	United Provinces Central (Non-Muhammadan).	Non-Muhammadan.	The Lucknow and Fyzabad Divisions	1

Province.	Name of Constituency	Class of Constituency	Extent of Constituency.	Number of Members.
United Provinces.	United Provinces Northern (Non-Muhammadan).	Non-Muhammadan.	The Agra, Meerut, Rohilkhand and Kumaon Divisions.	1
Ditto	United Provinces Southern (Non-Muhammadan)	Ditto	The Allahabad, Jhansi, Gorakhpur and Benares Divisions.	1
Ditto	United Provinces West (Muhammadan)	Muhammadan	The Allahabad, Jhansi, Agra, Rohilkhand, Meerut and Kumaon Divisions.	1
Ditto	United Provinces East (Muhammadan).	Muhammadan	The Lucknow, Fyzabad, Benares and Gorakhpur Divisions	1
Punjab	Punjab (Non-Muhammadan).	Non-Muhammadan.	The Punjab	1
Ditto	Punjab (Sikh)	Sikh	Ditto	1
Bihar and Orissa.	Bihar and Orissa (Non-Muhammadan).	Non-Muhammadan.	The Province of Bihar and Orissa.	2*
Ditto	Bihar and Orissa (Muhammadan)	Muhammadan	Ditto	1
Central Provinces.	Central Provinces	General	The Central Provinces, excluding— (a) the zamindari and jagirdari estates specified in Part VI of the First Schedule to the Scheduled, Districts Act, 1874 ; (b) the following zamindaris of the Chattishgarh Division, namely, Kanteli Bhatgaon, Bilagarh-Katgi, Parpori, Khujji, Devri Suarman, Narra and Kauria, (c) the Sironcha Tahsil of the Chanda District ; and	1
Burma	Burma	General	The Province of Burma	1
Ditto	Burma Chamber of Commerce	European Commerce.	(Non-territorial)	1

\* Note.—The Bihar and Orissa (Non-Muhammadan) constituency is entitled to elect a third member to the second, fourth and succeeding alternate Councils of State under Part II of this Schedule.

II. (1)—List of Constituencies entitled to representation in Rotation.

Province	Name of Constituency	Class of Constituency.	Extent of Constituency.	Number of Members.
Punjab	East Punjab (Muhammadan)	Muhammadan	The Amakala, Jullundur and Lahore Divisions	2
Ditto	West Punjab (Muhammadan)	Ditto	The Rawalpindi and Multan Divisions.	
Bihar and Orissa.	Bihar and Orissa (Non-Muhammadan).	Non-Muhammadan.	The Province of Bihar and Orissa.	1
Assam	Assam (Non-Muhammadan)	Non-Muhammadan	The Province of Assam	
Ditto	Assam (Muhammadan).	Muhammadan	Ditto	

(2) In the case where two constituencies are bracketed together as entitled to elect one member, the constituency first-mentioned shall elect to the first Council of State at the general election and at all bye-elections so long as the first Council of State continues, and the second-mentioned constituency shall elect at the general election to the next Council of State and at all bye-elections in like manner, and thereafter the constituencies shall elect in like manner in rotation to succeeding Councils of State.

(3) In the case where three constituencies are bracketed together as entitled to elect two members, the two first-mentioned constituencies shall each elect a member to the first Council of State at the general election and the constituency affected shall elect at any bye-election so long as the first Council of State continues, and for the purposes of the general election to the second Council of State and bye-elections occurring during the continuance of that Council, the two first-mentioned constituencies shall be deemed to be one constituency and the members shall be elected, one by those constituencies combined, and the other by the third-mentioned constituency, or, in the case of a bye-election, by those constituencies or that constituency, as the case may be, and thereafter the constituencies shall elect in like manner in rotation to succeeding Councils of State.

## SCHEDULE II

(See rule 8.)

## QUALIFICATIONS OF ELECTORS.

## PART I.—MADRAS.

**Definitions.**

1. For the purposes of this Part—

- (a) “ previous year ” means the financial year preceding that in which the electoral roll or the list of amendments thereto, as the case may be, for the time being under preparation is first published under these rules ;
- (b) “ estate ” means—
  - (i) any permanently settled estate or temporarily settled zamindari.
  - (ii) any portion of such permanently settled estate or temporarily settled zamindari which is separately registered in the office of the Collector.
  - (iii) any unsettled Palaiyam or Jagir,
  - (iv) any Inam village of which the grant has been confirmed or recognised by the British Government or any separated part of such village,
  - (v) any portion consisting of one or more villages of any of the estates specified above in clauses (i), (ii) and (iii) which is held on a permanent under-tenure.

**Entry of name in land register.**

2. Save as expressly provided in this Part, no person claiming to be registered on account of the possession of income derived from land for which a public register is kept shall be entitled to have such income taken into account in determining his eligibility, unless the land from which the income is derived stands registered in such register in his name.

**Joint holders.**

3 If several persons are registered as joint holders of land, a majority of the adult male persons so registered may nominate in writing any one of themselves who is not disqualified to be their representative for voting purposes, and the name of such representative alone shall be entered in the electoral roll and, if such nomination is not made, no entry shall be made in the roll in respect of such land.

*Explanation.*—Land registered under section 14 of the Malabar Land Registration Act, 1895, in the joint names of the registered proprietor and another person is not land registered in the names of joint holders within the meaning of this paragraph.

4. Where the property of a tarwad or similar joint family under the Maruakkattayam law is registered in the name of a woman and would, but for the disqualification of sex, qualify the registered holder as an elector, the manager, unless any other member is nominated by the majority of the adult male members of the family shall be entered in the electoral roll as the representative of the family.

5. Save as hereinbefore provided, no person shall be entitled to have his name entered in an electoral roll unless he possesses the prescribed property qualification in his own personal right and not in a fiduciary capacity.

6. For the purposes of this Part, the annual income derived from an estate shall be taken to be the annual rent value upon which the land cess is calculated under the Madras Local Boards Act, 1920, excluding the jodi, quit-rent, peshkash, or similar charge payable to Government.

7. In calculating annual income and assessment for the purpose of this Part—

(a) income derived from an estate shall not be reckoned along with income derived from any land other than an estate, but it may be reckoned along with a malikana allowance ;

(b) in no case shall income derived from a portion of an estate which is not separately registered in the office of a Collector be taken into account ;

(c) the assessment on inam lands shall be taken to be the full assessment which such lands would bear if they were not inam ;

(d) assessments paid on more than one parcel of land may be reckoned together :

Provided that, in the case of land referred to in paragraphs 3 and 4 of this Part, the assessment paid thereon shall not be added to any assessment paid on other land unless the holder of the latter has been nominated or is entitled under those paragraphs to represent the joint holders or family in respect of the former land.

8. For the purposes of this Part, the annual rent value and assessment shall be determined with reference to the accounts of the *fash* year preceding the calendar year in which the roll is finally published ; or if the accounts for that year are not available, then with reference to the latest accounts that are available :—

Provided that, if in any case it is not possible to calculate the rent value in accordance with the provisions of paragraph 7 of this Part, the Collector shall determine the value for the purposes of this Part upon the best information available.

Non-  
Muhamma-  
dan and  
Muhamma-  
dan  
Consti-  
tuencies.

9. A person shall be qualified as an elector for a general constituency who has resided in the presidency of Madras for not less than 120 days in the previous year and who—

- (a) hold in the presidency an estate of which the annual income is not less than Rs. 3,000, or
- (b) is registered as a pattadar or inamdar of land in the presidency on which the assessment, including the water rate, is not less than Rs. 1,500, or
- (c) receives from Government a malikana allowance the annual amount of which is not less than Rs. 3,000; or
- (d) was in the previous year assessed on his own account to income-tax on a total income as computed under section 16 of the Indian Income-tax Act, 1922, of not less than Rs. 20,000; or
- (e) is or has been a non-official member of either chamber of the Indian Legislature or has been a non-official member of the Indian Legislative Council as constituted under the Government of India Act, 1915, or any Act repealed thereby, or is or has been at any time a non-official member of the Madras Legislative Council; or
- (f) is or has been the non-official president of the Madras Municipal Council or of a district board or taluk board constituted under the Madras Local Boards Act, 1884, or the Madras Local Boards Act, 1920, or is the non-official vice-president of the said Council or of a district board; or
- (g) is or has been the non-official chairman or is the non-official vice-chairman of a municipal council constituted under the Madras District Municipalities Act, 1884, or the Madras District Municipalities Act, 1920; or
- (h) is or has been a Fellow or an Honorary Fellow or is a member of the Senate or Court of any University constituted by law in British India or is a member of the Council of the University of Rangoon; or
- (i) is the non-official president or vice-president of any central bank or banking union which is a registered society within the meaning of section 2 of the Co-operative Societies Act, 1912; or
- (j) is recognised by the Government as the holder of the title of Shams-ul-Ulama or of the title of Mahamahopadhyaya :

Provided that—

- (i) no person other than a Muhammadan shall be qualified as an elector for the Muhammadan constituency, and
- (ii) no Muhammadan shall be qualified as an elector for the Non-Muhammadan constituency.

## PART II.—BOMBAY.

1. Where any property is held or payment is made or received jointly by the members of a joint family, the family shall be adopted as a unit for deciding whether under the provisions of this part the requisite qualification exists; and if it does exist, the manager of the family only shall be qualified as an elector in respect of such property or payment. <sup>Joint families.</sup>

2. A person shall be qualified as an elector for a general constituency who has a place of residence in the constituency and who— <sup>General Constituencies.</sup>

- (a) is in Sind either a Jagirdar of the first or second class or a Zamindar who, in each of the three revenue years preceding that in which the electoral roll or the list of amendments thereto, as the case may be, for the time being under preparation is first published under these rules, has paid not less than Rs. 2,000 land-revenue on land situated in any district in Sind; or
- (b) is a Deccan Sardar or a Gujarat Sardar, that is to say, a person whose name is entered in the list for the time being in force under the Resolution of the Government of Bombay in the Political Department, No. 2363, dated the 23rd July, 1867, or in the list for the time being in force under the Resolution of the Government of Bombay in the Political Department, No. 6265, dated the 21st September, 1909; or
- (c) is a sole alienee of the right of Government to the payment of rent or land-revenue in respect of an entire village assessed to land-revenue of not less than Rs. 2,000 or a Talukdar holding on talukdari tenure land assessed at not less than Rs. 2,000 land-revenue, or a co-sharer holding on talukdari tenure a share in any land which share if held separately would be assessed at not less than Rs. 2,000 land-revenue, or a Khot responsible for the payment of land-revenue in respect of an entire village assessed at not less than Rs. 2,000 land-revenue; or
- (d) is a holder of land assessed or assessable to land-revenue of not less than Rs. 2,000, or
- (e) was, in the financial year preceding that in which the electoral roll or the list of amendments thereto, as the case may be, for the time being under preparation is first published under these rules, assessed to income-tax on an income of not less than Rs. 30,000; or

- (f) is or has been a non-official member of either chamber of the Indian Legislature or has been a non-official member of the Indian Legislative Council as constituted under the Government of India Act, 1915, or any Act repealed thereby, or is or has been at any time a non-official member of the Bombay Legislative Council ; or
- (g) is or has been the president or mayor of the Municipal Corporation of the City of Bombay, or is or has been the Mayor or is the deputy mayor of the Municipal Corporation of the City of Karachi, or is or has been the non-official president or is the non-official vice-president of a city municipality within the meaning of section 3(1) of the Bombay District Municipal Act, 1901, or of a municipality in a municipal borough within the meaning of section 3 (9) of the Bombay Municipal Boroughs Act, 1925, or of a district local board established under the Bombay Local Boards Act, 1884, or the Bombay Local Boards Act, 1923 ; or
- (h) is or has been a Fellow or an Honorary Fellow or is a member of the Senate or Court of any University constituted by law in British India or is a member of the Council of the University of Rangoon ;
- (i) is recognised by the Government as the holder of the title of Shams-ul-Ulama or of the title of Mahamahopadhyaya :

Provided that—

- (i) no person other than a Muhammadan shall be qualified as an elector for a Muhammadan constituency, and
- (ii) no Muhammadan shall be qualified as an elector for the non-Muhammadan constituency.

*Special Constituency.*

Bombay  
Chamber of  
Commerce  
Constitu-  
ency.  
Place of  
residence.

3. A person shall be qualified as an elector for the Bombay Chamber of Commerce constituency who is a member of that Chamber and has a place of residence in India.

4. For the purposes of this Part, a person shall be deemed to have a place of residence in a constituency if he—

- (a) ordinarily lives in the constituency, or
- (b) has his family dwelling house in the constituency and occasionally occupies it, or
- (c) maintains in the constituency a dwelling house ready for occupation in charge of servants and occasionally occupies it.

## PART III.—BENGAL.

## 1. For the purposes of this Part—

Definitions.

- (a) “previous year” means the financial year preceding that in which the electoral roll or the list of amendments thereto, as the case may be, for the time being under preparation is first published under these rules ;
- (b) a person shall be deemed to have a place of residence within the limits of a constituency or of India, as the case may be, if he—
  - (1) ordinarily lives within those limits, or
  - (2) has his family dwelling house within those limits and occasionally occupies it, or
  - (3) maintains within those limits a dwelling house ready for occupation in charge of servants and occasionally occupies it.

2. Where property is held or payments are made jointly by the members of a joint family, the family shall be adopted as the unit for deciding whether under this Part the requisite qualification exists ; and, if it does exist, the person qualified shall be the manager of the family.

3. In determining any claim to a qualification by a person by virtue of the payment of land-revenue or road and public works cesses, Determination of qualification.

- (a) only such estates and shares of estates and only such permanent tenures and shares of permanent tenures as are not within the district of Darjeeling or the Chittagong Hill Tracts shall be taken into account ;
- (b) only such estates and shares of estates as are held by him in his own right and not in a fiduciary capacity and are registered in his own name in the registers maintained under the Land Registration Act, 1876, shall be taken into account ;
- (c) only such permanent tenures and shares of permanent tenures as are held by him in his own right and not in a fiduciary capacity shall be taken into account ;
- (d) only such land-revenue or road and public works cess as is payable in respect of his own personal share shall be taken into account ;
- (e) if the amount of land-revenue or road and public works cesses paid in respect of any share of an estate or permanent tenure is not definitely known, the District Officer of the District in which such estate or tenure is situated shall estimate the amount paid in respect of such share, and his decision shall be final.

*Explanation.*—For the purposes of this paragraph, a *mutwali* or manager of a *wakf* estate shall be deemed to hold such estate in his own right, but a trustee or manager of an estate other than a *wakf* estate shall not be so deemed.

*General Constituencies.*

Non-Muhamma-  
dan Consti-  
tuencies.

4. A person shall be qualified as an elector for a non-Muhammadan constituency who is neither a Muhammadan nor a European and who has a place of residence within the constituency, and who—

- (a) (i) in the area comprising the Burdwan and Presidency Divisions, held during the previous year in his own right as a proprietor one or more estates or shares of estates and paid in respect thereof land-revenue amounting to not less than Rs. 7,500, or road and public works cesses amounting to not less than Rs. 1,875 ; or
- (ii) in the area comprising the Dacca, Rajshahi, and the Chittagong Divisions held during the previous year in his own right as a proprietor one or more estates or shares of estates, or one or more permanent tenures or shares of such tenures held direct from such proprietor, and paid in respect thereof land-revenue amounting to not less than Rs. 5,000 or road and public works cesses amounting to not less than Rs. 1,250 ; or
- (b) (i) was during the previous year assessed to income-tax on an income of not less than Rs. 12,000, or
- (ii) is a member of a firm which in the previous year was assessed to income-tax and whose share of the firm's income on which income-tax was so assessed is certified by an Income-tax Officer in a certificate specifying the names and shares of the partners of the firm to have been not less than Rs. 12,000 ; or
- (c) is or has been a non-official member of either chamber of the Indian Legislature or has been a non-official member of the Indian Legislative Council as constituted under the Government of India Act, 1915, or any Act repealed thereby, or is or has been at any time a non-official member of the Bengal Legislative Council ; or
- (d) is or has been the non-official chairman or is the non-official vice-chairman or deputy-chairman of the Corporation of Calcutta, or is or has been the non-official chairman or is the non-official vice-chairman of a municipality constituted under the Bengal Municipal Act, 1884, or of a district board established under the Bengal Local Self-Government Act, 1885 ; or

(e) is or has been a Fellow or an Honorary Fellow or is a member of the Senate or Court of any University constituted by law in British India or is a member of the Council of the University of Rangoon ; or

(f) is the non-official chairman, deputy-chairman or vice-chairman of any co-operative central bank or union or provincial co-operative federation, which is a registered society within the meaning of section 2 of the Co-operative Societies Act, 1912 ; or

(g) is recognised by the Government as the holder of the title of Mahamahopadhyaya.

5. A person shall be qualified as an elector for a Muhammadan constituency who is a Muhammadan and has a place of residence within the constituency and who—

Muhamma-  
dan Consti-  
tuencies.

(a) held during the previous year in his own right as a proprietor or a permanent tenure holder one or more estates or shares of estates, or one or more permanent tenures or shares of such tenures held direct from such proprietor, and paid in respect thereof land-revenue amounting to not less than Rs. 600 or road and public works cesses amounting to not less than Rs. 125 ; or

(b) (i) was during the previous year assessed to income-tax on an income of not less than Rs. 6,000 ; or

(ii) is a member of a firm which in the previous year was assessed to income-tax and whose share of the firm's income on which income-tax was so assessed is certified by an Income-tax officer in a certificate specifying the names and shares of the partners of the firm to have been not less than Rs. 6,000 ;

(c) has any of the qualifications specified in clauses (c), (d) (e) and (f) of paragraph 4 of this Part ; or

(d) is recognised by the Government as the holder of the title of Shams-ul-Ulama

#### *Special Constituency.*

6. A person shall be qualified as an elector for the Bengal Chamber of Commerce constituency who has a place of residence in India and is a Chamber-member of that Chamber or a person entitled to exercise the rights and privileges of Chamber-member-ship on behalf of and in the name of any firm, company or other corporation.

The  
Chamber of  
Commerce  
Consti-  
tuency.

## PART IV.—THE UNITED PROVINCES.

## Definition.

## 1. For the purposes of this Part—

“ owner ” does not include a mortgagee, trustee or a lessee.

## Joint families.

2. (1) Where property is held or payments are made jointly by the members of a joint family, the family shall be adopted as the unit for deciding whether under this Part the requisite qualification exists ; and, if it does exist, the vote shall be exercised by the member authorised in that behalf by a majority of the family, or, in the case of a Hindu joint family, by the manager thereof.

(2) A person may be qualified either in his personal capacity or in the capacity of a representative of a joint family, but not in both capacities.

Non-Muhamma-  
dan and  
Muhamma-  
dan Consti-  
tuencies.

3. A person shall be qualified as an elector for a general constituency who has a place of residence in the constituency and who—

- (a) is the owner of land in the constituency in respect of which land-revenue amounting to not less than Rs. 5,000 per annum is payable ; or
- (b) is the owner of land in the constituency free of land-revenue if the land-revenue nominally assessed on such land in order to determine the amount of rates payable in respect of the same, either alone or together with any land-revenue payable by him as owner in respect of other land in the constituency, amounts to not less than Rs. 5,000 per annum , or
- (c) was, in the financial year preceding that in which the electoral roll or the list of amendments thereto, as the case may be, for the time being under preparation is first published under these rules, assessed to income-tax on an income of not less than Rs. 10,000 ; or
- (d) is or has been a non-official member of either chamber of the Indian Legislature or has been a non-official member of the Indian Legislative Council as constituted under the Government of India Act, 1915, or any Act repealed thereby, or is or has been at any time a non-official member of the United Provinces Legislative Council ; or
- (e) is or has been the non-official chairman or is the non-official vice-chairman of a municipal board constituted under the United Provinces Municipalities Act, 1916, or of a district board constituted under the United Provinces District Boards Act, 1906 ; or
- (f) is or has been a Fellow or an Honorary Fellow or is a member of the Senate or Court of any University constituted by law in British India or is a member of the Council of the University of Rangoon ; or

- (g) is or has been the president of a Chamber of Commerce in the United Provinces ; or
- (h) is the non-official president or vice-president of a co-operative central society which is a registered society within the meaning of section 2 of the Co-operative Societies Act, 1912 ; or
- (i) is recognised by the Government as the holder of the title of Shams-ul-Ulama or of the title of Mahamahopadhyaya :

Provided that—

- (i) no person other than a Muhammadan shall be qualified as an elector for a Muhammadan constituency ; and
- (ii) no Muhammadan shall be qualified as an elector for a Non-Muhammadan constituency.

*Explanation.*—A person shall be deemed to have a place of residence in a constituency if he—

- (a) ordinarily lives in the constituency, or
- (b) has his family dwelling house in the constituency and occasionally occupies it, or
- (c) maintains in the constituency a dwelling house ready for occupation in charge of servants and occasionally occupies it.

#### · PART V.—THE PUNJAB.

##### 1. For the purposes of this Part—

##### Definitions.

- (a) “ date of publication of the electoral roll ” means the date on which the electoral roll or the list of amendments thereto, as the case may be, for the time being under preparation is first published under these rules ;
- (b) “ land-revenue ” means land-revenue as defined in section 3(6) of the Punjab Land Revenue Act, 1887, and, in the case of fluctuating land-revenue or land-revenue assessed on lands subject to river action, the average amount of such land-revenue paid during the three years preceding the date of publication of the electoral roll ;
- (c) “ owner ” does not include a mortgagee ;
- (d) “ the land records ” means an attested record of rights or an attested annual record of rights maintained under Chapter IV of the Punjab Land Revenue Act, 1887, and includes an order finally sanctioning a mutation duly passed under that Chapter.

Presump-  
tion as to  
residence.

2. For the purposes of this Part, a person shall be deemed to have a place of residence in a constituency if he—

- (a) ordinarily lives in the constituency, or
- (b) has his family dwelling house in the constituency and occasionally occupies it, or
- (c) maintains in the constituency a dwelling house ready for occupation in charge of servants and occasionally occupies it.

Land record  
to be  
conclusive  
evidence.  
Co-sharers.

3. For the purposes of determining any claim to a qualification under this Part, any entry in the land records shall be conclusive evidence of the facts stated therein.

4. Where two or more persons are co-sharers in land assessed to land-revenue or in a tenancy or lease of land assessed to land-revenue or in the receipt of assigned land-revenue, every such person shall be qualified as an elector who would be so qualified if his share in such land, tenancy, lease or assignment were held separately.

*Explanation.*—For the purposes of this paragraph, the share of any such person who is under twenty-one years of age shall be deemed to be the share of his father or, if his father is dead, of his eldest brother, provided that his father or eldest brother, as the case may be, is a co-sharer with him in the property.

Non-  
Muhamma-  
dan,  
Muhamma-  
dan and  
Sikh  
Consti-  
tuencies.

5. A person shall be qualified as an elector for a general constituency who resides in the constituency and who—

- (a) is the owner or Crown tenant of land assessed to land-revenue of not less than Rs. 750 per annum, or
- (b) is an assignee of land-revenue amounting to not less than Rs. 750 per annum, or
- (c) was in the financial year preceding the date of publication of the electoral roll assessed to income-tax on an income of not less than Rs. 15,000, or
- (d) is or has been a non-official member of either chamber of the Indian Legislature or has been a non-official member of the Indian Legislative Council as constituted under the Government of India Act, 1915, or any Act repealed thereby, or is or has been at any time a non-official member of the Punjab Legislative Council; or
- (e) is a provincial Punjab Darbari; or
- (f) is or has been non-official president or vice-president of any municipal committee established under the Punjab Municipal Act, 1911, which has a population of 20,000 or over, or which is situate at the headquarters station of a district, or is or has been the non-official chairman or vice-chairman of a district board established under the Punjab District Boards Act, 1883; or

- (g) is or has been a Fellow or an Honorary Fellow or is a member of the Senate or Court of any University constituted by law in British India or is a member of the Council of the University of Rangoon ; or
- (h) is the non-official president or vice-president of any central co-operative bank or union which is a registered society within the meaning of section 2 of the Co-operative Societies Act, 1912 ; or
- (i) is recognised by the Government as the holder of the title of Shams-ul-Ulama or of the title of Mahamahopadhyaya :

Provided that—

- (i) no person shall be qualified as an elector for a Muhammadan constituency who is not a Muhammadan or for the Sikh constituency who is not a Sikh, and
- (ii) no Muhammadan or Sikh shall be qualified as an elector for the Non-Muhammadan constituency.

*Explanation.*—If any question arises as to whether any person is or is not a Sikh, he shall be deemed respectively to be or not to be a Sikh according as he makes or refuses to make in such form and manner as the local Government may by regulation prescribe a declaration that he is a Sikh

## PART VI.—BIHAR AND ORISSA.

### 1. For the purposes of this Part—

**Definition.**

“previous year” means the financial year preceding that in which the electoral roll or the list of amendments thereto, as the case may be, for the time being under preparation is first published under these rules.

2. Where property is held or payments are made jointly by the members of a joint family, the family shall be adopted as the unit for deciding whether under this Part the requisite qualification exists ; and, if it does exist, the person qualified shall be, in the case of a Hindu joint family, the manager thereof and in other cases the member authorised in that behalf by the family concerned.

**Joint families.**

3. A person shall be deemed to have a place of residence within the province of Bihar and Orissa if he—

**Place of residence.**

- (a) ordinarily lives within the province, or
- (b) has within the province his family dwelling house and occasionally occupies it, or
- (c) maintains within the province a dwelling house ready for occupation in charge of servants and occasionally occupies it.

Non-  
Muhamma-  
dan  
Consti-  
tuency.

4. A person shall be qualified as an elector for the Non-Muham-  
madan constituency who is not a Muhammadan and who has a  
place of residence in the province of Bihar and Orissa and who—

- (a) holds, in his own right and not in a fiduciary capacity, an estate or estates or a portion of an estate or portions of estates for which a separate account or accounts (including a residuary account) has or have been opened, for which land whether revenue-paying or revenue-free or rent-free land, an aggregate amount of not less than Rs. 1,200 land-revenue or an aggregate amount of not less than Rs. 300 local cess is payable per annum ; or
- (b) holds, in his own right and not in a fiduciary capacity, a tenure or tenures for which an aggregate amount of not less than Rs. 300 local cess is payable per annum, either directly to Government or through a superior landlord ; or
- (c) was during the previous year assessed on his own account to income-tax on an income of not less than Rs. 12,800 ; or
- (d) is or has been a non-official member of either chamber of the Indian Legislature or has been a non-official member of the Indian Legislative Council as constituted under the Government of India Act, 1915, or any Act repealed thereby, or is or has been at any time a non-official member of the Bihar and Orissa Legislative Council ; or
- (e) is or has been the chairman or is the vice-chairman of a municipality constituted in the province of Bihar and Orissa under the Bengal Municipal Act, 1884, or of a district board constituted in the province under the Bengal Local Self-Government Act, 1885, or of a district committee constituted in the province under the Cess Act, 1880, or is or has been the president or is the vice-president of a municipal committee constituted in the province under the Central Provinces Municipal Act, 1903, or is or has been the chairman of a district council constituted in the province under the Central Provinces Local Self-Government Act, 1883 ; or
- (f) is or has been a Fellow or an Honorary Fellow or is a member of the Senate or Court of any University constituted by law in British India or is a member of the Council of the University of Rangoon ; or
- (g) is recognised by the Government as the holder of the title of Mahamahopadhyaya.

5. A person shall be qualified as an elector for the Muham-<sup>Muhamma-</sup>madan constituency who is a Muhammadan and has a place of<sup>dan</sup> residence in the province of Bihar and Orissa and who—<sup>Consti-</sup><sup>tuency.</sup>

- (a) holds, in his own right and not in a fiduciary capacity, an estate or estates or a portion of an estate or portions of estates for which a separate account or accounts (including a residuary account) has or have been opened, for which land whether revenue-paying or revenue-free or rent-free land, an aggregate amount of not less than Rs. 750 land-revenue or an aggregate amount of not less than Rs. 187-8 local cess is payable per annum ; or
- (b) holds, in his own right and not in a fiduciary capacity, a tenure or tenures for which an aggregate amount of not less than Rs. 187-8 local cess is payable per annum either directly to Government or through a superior landlord ; or
- (c) was during the previous year assessed on his own account to income-tax on an income of not less than Rs. 6,400 ; or
- (d) has any of the qualifications specified in clauses (d), (e), and (f) of paragraph 4 of this Part ; or
- (e) is recognised by the Government as the holder of the title of Shams-ul-Ulama.

#### PART VII.—THE CENTRAL PROVINCES.

1. For the purposes of this Part, a person shall be deemed to<sup>Place of</sup> have a place of residence in the constituency if he—<sup>residence.</sup>

- (a) ordinarily lives in the constituency, or
- (b) has his family dwelling house in the constituency and occasionally occupies it, or
- (c) maintains in the constituency a dwelling house ready for occupation in charge of servants and occasionally occupies it.

2. Where an estate or mahal, or share of an estate or mahal,<sup>Joint</sup> or land is held, or where income-tax is paid jointly by the members<sup>families.</sup> of a joint family, the family shall be adopted as the unit for deciding whether under this Part the requisite qualification exists ; and, if it does exist, the person qualified shall be the manager of the family :

Provided that the entry on an electoral roll of a person in his capacity as the manager of a joint family shall not disqualify him as an elector in his individual capacity.

The Central  
Provinces  
Consti-  
tuency.

3. A person shall be qualified as an elector for the Central Provinces constituency who has a place of residence in the constituency and who—

- (a) holds in proprietary right land the land-revenue or kamil-jama of which is not less than Rs. 3,000 ; or
- (b) was, in the financial year preceding that in which the electoral roll or the list of amendments thereto, as the case may be, for the time being under preparation is first published under these rules, assessed to income-tax on an income of not less than Rs. 20,000 ; or
- (c) is or has been a non-official member of either chamber of the Indian Legislature or has been a non-official member of the Indian Legislative Council as constituted under the Government of India Act, 1915, or any Act repealed thereby, or is or has been at any time a non-official member of the Central Provinces Legislative Council, or
- (d) is or has been the non-official president of a municipal committee established under the Central Provinces Municipal Act, 1903, or under the Central Provinces Municipalities Act, 1922, or the non-official chairman of a district council established under the Central Provinces Local Self-Government Act, 1883, or under the Central Provinces Local Self-Government Act, 1920 ; or
- (e) is or has been a Fellow or an Honorary Fellow or is a member of the Senate or Court of any University constituted by law in British India or is a member of the Council of the University of Rangoon, or
- (f) is recognised by the Government as the holder of the title of Shams-ul-Ulama or of the title of Mahamahopadhyaya

#### PART VIII.—ASSAM.

Joint  
families.

1. Where property is held or payments are made jointly by the members of a joint family, the family shall be adopted as the unit for deciding whether under this Part the requisite qualification exists ; and, if it does exist, the person qualified shall be, in the case of a Hindu joint family, the manager thereof and in other cases the member authorised in that behalf by the family concerned.

Non-  
Muhamma-  
dan and  
Muhamma-

2. A person shall be qualified as an elector for either of the general constituencies who has a place of residence in the province of Assam, or in the additional area within which the Municipal

Board of Shillong exercises jurisdiction by virtue of any notification issued under the Indian (Foreign Jurisdiction) Order in Council, 1902, and who—<sup>dan Consti-  
tuencies.</sup>

- (a) is liable to pay annually not less than Rs. 2,000 as land-revenue or not less than Rs. 200 as local rate, or
- (b) was, in the financial year preceding that in which the electoral roll or the list of amendments thereto, as the case may be, for the time being under preparation is first published under these rules, assessed to income-tax on an income of not less than Rs. 12,000; or
- (c) is or has been a non-official member of either chamber of the Indian Legislature or has been a non-official member of the Indian Legislative Council as constituted under the Government of India Act, 1915, or any Act repealed thereby, or is or has been at any time a non-official member of the Assam Legislative Council, or
- (d) is or has been a non-official chairman of Commissioners appointed in Assam under the Bengal Municipal Act, 1884, or of a municipality established in Assam under the Bengal Municipal Act, 1884, or of a local board established under the Assam Local Self-Government Act, 1915; or
- (e) is or has been a Fellow or an Honorary Fellow or is a member of the Senate or Court of any University constituted by law in British India or is a member of the Council of the University of Rangoon; or
- (f) is the non-official chairman of any central co-operative bank or banking union which is a registered society within the meaning of section 2 of the Co-operative Societies Act, 1912, or
- (g) is recognised by the Government as the holder of the title of Shams-ul-Ulama or of the title of Mahamahopadhyaya :

Provided that—

- (i) no person other than a Muhammadan shall be qualified as an elector in the Muhammadan constituency, and
- (ii) no Muhammadan shall be qualified as an elector in the Non-Muhammadan constituency.

3. For the purposes of this Part, a person shall be deemed to have a place of residence in a constituency or in the additional area described in paragraph 2 of this Part, if he—<sup>Place of  
residence.</sup>

- (a) ordinarily resides in the constituency, or in the additional area described in paragraph 2 of this Part, or

- (b) has his family dwelling place in the constituency or in the additional area described in paragraph 2 of this Part, and occasionally occupies it, or
- (c) maintains in the constituency or in the additional area described in paragraph 2 of this Part, a dwelling house ready for occupation in charge of servants and occasionally occupies it.

#### PART IX.—BURMA.

The general  
Constitu-  
tency.

1. A person shall be qualified as an elector for the Burma constituency who has a place of residence in the province of Burma and who—

- (a) has paid during and in respect of the year of assessment preceding the date on which the electoral roll or the list of amendments thereto, as the case may be, for the time being under preparation is first published under these rules, land-revenue amounting to not less than Rs. 300 ; or
- (b) was, in the financial year preceding the date on which the electoral roll or the list of amendments thereto, as the case may be, for the time being under preparation is first published under these rules, assessed to income-tax on an income of not less than Rs. 3,000 ; or
- (c) is or has been a non-official member of either chamber of the Indian Legislature or has been a non-official member of the Indian Legislative Council as constituted under the Government of India Act, 1915, or any Act repealed thereby, or is or has been at any time a non-official member of the Burma Legislative Council ; or
- (d) is or has been the president or vice-president of the Rangoon Municipal Committee, or is or has been the president or is the vice-president of any other municipal committee established under the Burma Municipal Act, 1898, or of a district council ; or
- (e) is or has been a Fellow or an Honorary Fellow or is a member of the Senate or Court of any University constituted by law in British India or is a member of the Council of the University of Rangoon ; or
- (f) is the non-official chairman or vice-chairman of a district central bank which is a registered society within the meaning of section 2 of the Co-operative Societies Act, 1912 ; or
- (g) is recognised by the Government as the holder of the title of Shams-ul-Ulama or of the title of Mahamahopadhyaya.

2. Any person shall be qualified as an elector for the Burma Chamber of Commerce constituency who has a place of residence in Burma and is a Chamber-member of that Chamber or a person entitled to exercise the rights and privileges of Chamber-membership on behalf of and in the name of any firm, company or other corporation. <sup>The European Chamber Constituency</sup>

3. For the purposes of this Part, a person shall be deemed to have a place of residence in the province of Burma if he— <sup>Place of residence.</sup>

- (a) ordinarily lives in the province, or
- (b) has his family dwelling house in the province and occasionally occupies it, or
- (c) maintains in the province a dwelling house ready for occupation in charge of servants and occasionally occupies it.

## SCHEDULE III.

(See rule 11.)

*Form of Nomination Paper.*

## NOMINATION PAPER.

Name of the Constituency for which the candidate  
is nominated . . . . .

Name of candidate . . . . .

Father's name . . . . .

Age . . . . .

Address . . . . .

\* Denomination (*state whether Non-Muhammadan,  
Muhammadan or Sikh*) . . . . .

Constituency on the electoral roll of which the can-  
didate is registered as an elector . . . . .

† No. of the candidate in the electoral roll of the  
constituency in which he is registered as an  
elector . . . . .

Name of proposer . . . . .

† No. of the proposer in the electoral roll of the  
constituency . . . . .

Signature of the proposer . . . . .

Name of the seconder . . . . .

† No. of the seconder in the electoral roll of the  
constituency . . . . .

Signature of the seconder . . . . .

*Declaration by Candidate.*

I hereby declare that I agree to this nomination.

Date..... Signature by Candidate.....

\* Not to be entered in case of special constituency.

† Where the electoral roll is sub-divided and separate serial numbers are assigned to the electors entered in each sub-division, a description of the sub-division in which the name of the person concerned is entered must also be given here.

(*To be filled in by the Returning Officer or other authorised person.*)  
*Certificate of Delivery.*

Serial No. This nomination paper was delivered to me at my office at.  
(date and hour.....).

.....  
*Returning Officer or other authorised person.*  
*Certificate of Scrutiny.*

I have scrutinized the eligibility of the candidate, the proposer  
and seconder, and find that they are respectively qualified to stand  
for election, to propose, and to second the nomination.

.....  
*Returning Officer or other authorised person.*

(*N.B.*—This nomination paper will not be valid unless it is delivered<sup>u</sup> to the  
Returning Officer, or other person authorised to receive it, at his office before  
3-0 P.M. on ..... 193 ).

## SCHEDULE IV.

(See rule 19.)

*Return of Election Expenses.*

1. Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money, security or equivalent of money was received in respect of expenses incurred on account of, or in connection with, or incidental to, the election, and the amount received from each person, club, society or association separately.

2. Under the head of expenditure there shall be shown—

- (a) the personal expenditure of the candidate incurred or paid by him or his election agent, including travelling and all other personal expenses incurred in connection with his candidature ;
- (b) the name, and the rate and total amount of the pay, of each person employed as an agent (including the election agent), clerk or messenger ,
- (c) the travelling expense and any other expenses incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers ;
- (d) the travelling expenses of persons, whether in receipt of salary or not, incurred in connection with the candidature, and whether paid or incurred by the candidate, his election agent or the person so travelling ;
- (e) the cost whether paid or incurred of—
  - (i) printing,
  - (ii) advertising,
  - (iii) stationery,
  - (iv) postage,
  - (v) telegrams, and
  - (vi) rooms hired either for public meetings or as committee-rooms ;
- (f) any other miscellaneous expenses whether paid or incurred.

NOTE.—(1) All expenses incurred in connection with the candidature whether paid by the candidate, his election agent, or any other person, or remaining unpaid on the date of the return are to be set out.

- (2) For all items of Rs. 5 and over, unless from the nature of the case (*e.g.*, travel by rail or postage) a receipt is not obtainable, vouchers are to be attached.

(3) All sums paid but for which no receipt is attached are to be set out in detail with dates of payment.

(4) All sums unpaid are to be set out in a separate list.

3. The form of the declarations referred to in rule 19 shall be as follows :—

*Form of Declaration by Election Agent.*

I, \_\_\_\_\_, being the appointed election agent for  
a candidate for election in the \_\_\_\_\_ constituency,  
do hereby solemnly affirm that the above return of election expenses  
is true to the best of my knowledge and belief, and that, except  
the expenses herein set forth, no expenses of any nature whatsoever  
have to my knowledge or belief been incurred in, or for the pur-  
poses of \_\_\_\_\_'s candidature.

*Election Agent.*

*Solemnly affirmed before me.*

*(Magistrate.)*

*Form of Declaration by Candidate.*

I, \_\_\_\_\_, being a candidate for election in the  
\_\_\_\_\_ constituency, do hereby solemnly affirm that the above  
return of election expenses is true to the best of my knowledge  
and belief, and that, except the expenses herein set forth, no ex-  
penses of any nature whatsoever have to my knowledge or belief  
been incurred in, or for the purposes of, my candidature.

*Candidate.*

*Solemnly affirmed before me.*

*(Magistrate.)*

*Special Form of Declaration by a Candidate under rule 19, sub-  
rule (4).*

I, \_\_\_\_\_, being a candidate for election in the  
\_\_\_\_\_ constituency, do hereby solemnly affirm that the  
return of election expenses signed by my election agent, is (with  
the exceptions noted below) true to the best of my knowledge  
and belief and that (with the exceptions noted below) no expenses  
of any nature whatsoever other than the expenses therein set  
forth have to my knowledge or belief been incurred in, or for  
the purposes of, my candidature.

*Particulars of Exceptions.*

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*(Candidate.)*

*Solemnly affirmed before me.*

*(Magistrate.)*

## SCHEDULE V.

(See rules 5, 7, 22, 33, 44 and 47.)

The following shall be deemed to be corrupt practices for the purposes of these rules :—

## PART I.

1. A gift, offer or promise by a candidate or his agent, or by Bribery. any other person with the connivance of a candidate or his agent, of any gratifications to any person whomsoever, with the object, directly or indirectly, of inducing—

- (a) a person to stand or not to stand as, or to withdraw from being, a candidate, or
- (b) an elector to vote or refrain from voting at an election, or as a reward to—
- (a) a person for having so stood or not stood or for having withdrawn his candidature, or
- (b) an elector for having voted or refrained from voting.

*Explanation.*—For the purposes of this clause the term “ gratification ” is not restricted to pecuniary gratifications or gratifications estimable in money, and includes all forms of entertainment and all forms of employment for reward ; but it does not include the payment of any expenses *bona fide* incurred at or for the purposes of any election and duly entered in the return of election expenses prescribed by these rules.

2. Any direct or indirect interference or attempt to interfere on Undue the part of a candidate or his agent or of any other person with the influence. connivance of the candidate or his agent with the free exercise of any electoral right.

—*Explanation.*—(1) Without prejudice to the generality of the provisions of this clause, any such person as is referred to herein who—

- (a) threatens any candidate or voter or any person in whom a candidate or voter is interested, with injury of any kind, or
- (b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of divine displeasure or spiritual censure,

shall be deemed to interfere with the free exercise of the electoral<sup>1</sup> right of such candidate or voter within the meaning of this clause.

(2) A declaration of public policy or a promise of public action or the mere exercise of a legal right without intent to interfere with an electoral right shall not be deemed to be interference within the meaning of this clause.

- Personation.** 3. The procuring or abetting or attempting to procure by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or by a person who has voted once at an election for a voting paper in his own name at the same election.
- Publication of false statements.** 4. The publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agent, of any statement of fact which is false and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate or in relation to the candidature or withdrawal of any candidate which statement is reasonably calculated to prejudice the prospects of such candidate's election.
- Authorisation of expenditure.** 5. The incurring or authorising by a candidate or his agent of expenditure or the employment of any person by a candidate or his agent in contravention of the provisions of any notification of the Governor General in Council issued under rule 20 of these rules.

## PART II.

- Acts under Part I.** 1. Any act specified in Part I, when done by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent.
- Personation.** 2. The application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or for a voting paper in his own name after he has already voted at such election.
- Bribery.** 3. The receipt of, or agreement to receive, any gratification, whether as a motive or a reward,—
- (a) by a person to stand or not to stand as, or to withdraw from being, a candidate, or
- (b) by any person whomsoever for himself or any other person for voting or refraining from voting, or for inducing or attempting to induce any elector to vote or refrain from voting or any candidate to withdraw his candidature.
- Payment for conveyance.** 4. Any payment or promise of payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote.
- Hiring and use of public conveyances.** 5. The hiring, employment, borrowing or using for the purposes of the election of any boat, vehicle or animal usually kept for letting on hire or for the conveyance of passengers by hire :
- Provided that any elector may hire any boat, vehicle or animal, or use any boat, vehicle or animal which is his own property, to convey himself to or from the place where the vote is recorded.

6. The incurring or authorisation of expenses by any person other than a candidate or his election agent, on account of holding any public meeting or upon any advertisement, circular or publication or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, unless he is authorised in writing so to do by the candidate. Incurring expense without authority.

7. The hiring, using or letting as a committee-room or for the purposes of any meeting to which electors are admitted, of any building, room or other place where intoxicating liquor is sold to the public. Hiring of liquor shops.

8. The issuing of any circular, placard or poster having reference to the election which does not bear on its face the name and address of the printer and publisher thereof. Issue of circulars, etc., without printer's and publisher's name printed therein.

## PART II.

### LOCAL ELECTORAL REGULATIONS AS ADAPTED.

#### I. Madras.

NOTE.—

<i>Constituencies</i>	<i>No. of members.</i>
<i>Non-Muhammadian</i> . . . . .	4
<i>Muhammadian</i> . . . . .	1

(a) Council of State (Madras) Electoral Regulations (Legislative Department Notifications No. F. 26-IV/25-C., dated the 22nd October, 1925).

**Regulations for the preparation of Electoral rolls for the constituencies in the Presidency of Madras of the Council of State.**

1. These regulations shall apply to the preparation of electoral rolls for the Council of State constituencies.

2. There shall be a separate roll for each constituency. The electoral roll for each constituency shall contain the following particulars, *viz.*, the elector's name, father's or karnavan's name, address and qualification. It shall be maintained in Form I annexed and shall be divided into parts for each registration area comprised in the constituency.

3. The roll shall be kept in English.

4. Each district included in a constituency shall be a separate registration area and its Collector shall be the registration officer :

Provided that any of the powers and duties of the registration officer may be performed and exercised by any deputy for the time being approved by the Local Government and the provisions of these regulations shall, in respect of the powers and duties to be exercised and performed by him, apply to such deputy so far as they apply to the registration officer.

5. (a) It shall be the duty of the registration officer to cause inquiry to be made and to prepare, or cause to be prepared, lists of all persons within his registration area appearing to be entitled to be registered as electors in the roll for the constituency. The lists shall be prepared in the form prescribed for the roll and shall also contain particulars of the amount of tax assessed, or the annual income of the estate.

(b) The preliminary rolls shall be prepared from these lists and published by posting them in the office of the registration officer not later than the date fixed by the Local Government in this behalf. Where the preliminary rolls contain no names, the registration of officers shall publish a *nil* list. Copies of the rolls with the notices referred to in clause (c) of this regulation shall be issued as a supplement to the District Gazette and made available for sale to the public.

(c) With the preliminary roll the registration officer shall publish notices in Form II specifying the time within which claims and objections are to be preferred and the date on which, and the place at which the revising authority will begin to sit for their disposal. The date fixed for the sitting of the revising authority shall not be later than the date fixed by the Local Government in this behalf.

(d) The registration officer may (1) if the time prescribed by the Local Government for the publication of the preliminary roll has not expired, within the time so fixed, or (2) if such time has already expired, within such further time as may be prescribed by the Local Government, publish a revised preliminary roll in supersession of the roll already published or any part thereof or a list of additions and corrections thereto, in the manner prescribed by the foregoing regulations.

6. Copies of the parts of the preliminary roll relating to each registration area shall be made available for inspection and sale in the office of the registration officer. Complete sets of the rolls of the several registration areas shall be kept in the office of the Returning Officer for inspection and sale.

#### *Claims and Objections.*

7. (a) Any person who claims to be entitled to be registered as an elector and who is not entered or is entered in an incorrect place or manner or with incorrect particulars, on the preliminary roll, and any person whose name is on the roll and who objects to the inclusion of his own name or of the name of any other person whose name is on the roll may prefer a claim or an objection to the revising authority. Such claim or objection shall be sent to the registration officer so as to reach him on or before the date fixed

by the Local Government in this behalf. The claim or objection petition should give full particulars of the qualifications claimed or of the grounds of objection as the case may be.

(b) Claims and objections may be preferred in person or sent by post.

(c) Claims and objections received after the prescribed date shall be rejected.

8 The registration officer may of his own motion remove from the lists the names of persons whom he has reason to believe to be dead and may correct purely clerical or accidental mistakes and no other.

9 The registration officer shall, not later than the date fixed by the Local Government in this behalf,—

(a) publish lists of all claims and objections received in time and of corrections made by him of his own motion in Form III in his office, and

(b) send a copy of every notice of objection to the person to whose registration objection has been taken and whenever possible give intimation to the person concerned of the correction made by him of his own motion.

In the lists referred to in clause (a) and in the copy and intimation sent under clause (b), the registration officer shall give notice that the claims, objections and corrections will be taken into consideration by the revising authority at a place and on a date to be specified therein.

*Revising authority.*

10. For each registration area, the revising authority shall be the Collector of the district. He shall sit in open office on the day fixed and from day to day until all the claims and objections are disposed of. Orders shall be passed in writing on each claim or objection, with reasons if a claim is rejected or an objection contested. Final orders shall also be passed on the list of corrections made by the registration officer of his own motion.

*Final publication of roll.*

11. The registration officer shall correct the rolls in accordance with the orders of the revising authority.

12. Two copies of the final roll relating to his registration area shall be signed by each registration officer. One of them shall be kept in his office and the other forwarded to the Returning Officer.

13. The Returning Officer shall combine the rolls of the several registration areas and form a complete roll for the constituency. He shall then publish the rolls as a supplement to the *Fort St. George Gazette* not later than the date fixed by the Local Government in this behalf.

14. Copies of the complete roll (or of the preliminary roll with the lists of additions and corrections) shall be made available for inspection in the offices of the Returning and Registration officers. Complete sets of the rolls (or of the preliminary rolls with the lists of additions and corrections) for the several registration areas shall be kept in the office of the Returning Officer for inspection and sale.

15. Any notice which is required to be sent by the registration officer under these regulations to any person shall be sufficiently sent, if sent by post to the address of that person as given by him for the purpose, or as appearing on the roll, or if there is no such address, to his last known place of abode.

16. On the consideration of any claim or objection or other matter by the revising authority any person claiming to be interested therein may appear and be heard either in person or by duly authorized agent.

17. The Local Government shall have power in their discretion to postpone from time to time any of the dates fixed by them in the foregoing regulations.

18. In these regulations, the expressions "Collector" and "Collector of the district" shall, in the case of the City of Madras mean "the Revenue Divisional Officer, Madras".

#### FORM I.

##### *Council of State.*

Electoral roll for the <sup>non-Muhammadan</sup> ~~Muhammadan~~ constituency.

##### Part—Registration area.

- (1) Serial number.
- (2) Name.
- (3) Father's or karnavan's name.
- (4) Address (a full postal address shall be entered).
- (5) Head of qualification.

#### FORM II.

##### *Council of State.*

The preliminary electoral roll of the <sup>non-Muhammadan</sup> ~~Muhammadan~~ electors for the . . . . registration area is herewith published for general information.

Any person who claims to be entered in this roll and who is not entered in it or is entered in an incorrect place or manner or with incorrect particulars may put in a claim to the revising authority to have his name entered, or the entry corrected.

Any person whose name is on this roll, and who objects to the inclusion of his own name or of the name of any other person whose name is on the roll may prefer an objection to the revising authority.

Claims and objections should contain full particulars of the claim or objection as the case may be.

Claims and objections may be presented to the registration officer at any time during office hours or sent by post but must reach him on or before . . . . .

Claims and objections which are not received before the time prescribed will be rejected.

All claims and objections received in time will be heard by the revising authority at . . . . . on . . . . .

*Registration Officer.*

### FORM III.

#### *List of claims and objections.*

(a) The following persons have put in claims to be registered as electors (or to have the registry of their names corrected) on the roll for the <sup>non-Muhammadan</sup> ~~Muhammadan~~ constituency :—

Polling area	Name of claimant.	Address.	Head of qualification.
1.	2.	3	4.

(b) The following objections have been received regarding entries in the roll for the <sup>non-Muhammadan</sup> ~~Muhammadan~~ constituency :—

Polling area.	Name of objector and number on roll.	Name of person objected to and number on roll.
1.	2.	3.

(c) The following corrections have been made by the registration officer of his own motion in the roll for the non-Muhammadan Muhammadan constituency :—

Polling area.	Number on roll	Nature of correction.
1.	2.	3.

The above claims and objections will be heard and corrections, considered by the revising authority on . . . at . . . .

*Registration Officer.*

**Regulations for amendment of or for correction of entries in the Electoral Rolls for the constituencies in the Madras Presidency of the Council of State.**

(1) The authority to whom an application under rule 9 (6) shall be made shall be the Revenue Divisional Officer, Madras in the City of Madras and the Collector of the district elsewhere.

(2) If the application is one for the preparation of a list of amendments to an electoral roll the authority prescribed under Regulation 1 above shall report the matter to the Local Government and the Local Government shall address the Government of India for the issue of a notification by the Governor General in Council in the Gazette directing the preparation of such a list.

(3) On the issue of such a notification, all the provisions of the regulations for the preparation of electoral rolls shall apply in like manner as they apply in the case of electoral rolls and the authority prescribed under Regulation 1 above shall himself be deemed to be the revising authority.

(4) Where an application under rule 9 (6) is for the correction of an existing entry in the electoral roll, the authority to whom such an application has been presented may himself dispose of such application without reporting the matter to the Local Government.

(5) The said authority shall make in respect of such application such inquiry as he shall deem fit.

(6) An application for an amendment not involving the addition of names to or the deletion of names from an electoral roll shall be deemed to be an application for the correction of an existing entry in the electoral roll.

**Regulations for the conduct of elections for the constituencies in the Presidency of Madras of the Council of State.**

**REGULATIONS FOR THE POSTAL AND TRANSFERABLE VOTE.**

1. In these regulations—

- (i) 'continuing candidate' means any candidate not elected and not excluded from the poll;
- (ii) 'first preference' means the figure '1'; 'second preference' means the figure '2'; and 'third preference' means the figure '3', set opposite the name of any candidate and so on;
- (iii) 'transferable paper' means a ballot paper on which a second or subsequent preference is recorded for a continuing candidate;
- (iv) 'non-transferable paper' means a ballot paper on which no second or subsequent preference is recorded for a continuing candidate.

Provided that a paper shall be deemed to be a non-transferable paper in any case in which—

- (a) the names of two or more candidates (whether continuing or not) are marked with the same figures and are next in order of preference; or
- (b) the name of the candidate next in order of preference (whether continuing or not) is marked—
  - (1) by a figure not following consecutively after some other figure on the ballot paper; or
  - (2) by two or more figures;
- (v) 'original vote' in regard to any candidate means a vote derived from a ballot paper on which a first preference is recorded for that candidate;
- (vi) 'transferred vote' in regard to any candidate means a vote derived from a ballot paper on which a second or subsequent preference is recorded for that candidate;
- (vii) 'surplus' means the number of votes by which the total number of the votes, original and transferred, credited to any candidate exceeds the quota.

*Returning Officers.*

2. The Returning Officers for the constituencies mentioned in the first column of the Schedule hereto annexed shall be the persons respectively specified in the corresponding entry in the second column thereof.

3. (1) The persons specified in the third column of the said Schedule may, subject to the control of the Returning Officer, perform all or any of the functions of the Returning Officer in the constituencies respectively specified in the corresponding entry in the first column thereof.

Provided that no such person shall perform any of the functions of a Returning Officer which relate to the acceptance of a nomination paper or of a paper withdrawing candidature or to the scrutiny of nominations or to the counting of votes, unless the Returning Officer is unavoidably prevented from performing the same, in which case the said functions may be performed in any constituency by the person first specified in the corresponding entry in the third column of the Schedule.

(2) References to the Returning Officer in these regulations shall, unless a contrary intention appears, be deemed to include any person when performing any duty or function which he is authorized to perform under sub-regulation (1).

#### *Nomination of Candidates.*

4. On the issue of a notification by the Governor-General calling upon a constituency to elect a member, it shall be the duty of the Returning Officer to give public notice of the intended election in Form No. I. Such notice shall be published on the notice board of the office of the Returning Officer, in the *Fort St. George Gazette*, and in such other manner in the constituency as the Returning Officer may think fit.

5. Printed copies of the nomination form in Schedule III of the Council of State Electoral Rules with the following form of declaration printed on its back, *viz.*—

“ I (A.B.) the candidate nominated on the reverse <sup>have</sup> do hereby  
<sup>appointed</sup>  
<sup>appoint</sup> (C.D. address) to be my election agent ”

shall on application be supplied to any elector of the constituency at the office of the Returning Officer thereof.

6. On the presentation of a nomination paper, the Returning Officer may require the person or persons presenting the same to produce a copy of the electoral roll on which the candidate and his proposer and seconder are registered or of the necessary entries therein and shall satisfy himself that the name and number on the electoral roll of the candidate and his proposer and seconder as entered in the nomination paper are the same as those entered in the electoral roll. Where necessary, he shall direct that the former be amended so as to be in accordance with the latter.

*Scrutiny of nominations.*

7. On the date appointed by the Local Government for the scrutiny of nominations under sub-rule (2) of rule 11, the candidates, their election agents, one proposer and one seconder of each candidate, and one other person duly authorized in writing by each candidate, and, except for the purpose of assisting the Returning Officer, no other person may attend at such time and place as the Returning Officer may appoint, and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner prescribed in rule 11.

8. (1) The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made at the time to any nomination, and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, refuse any nomination on any of the following grounds:—

- (i) that the candidate is ineligible for election under rule 6.
- (ii) that a proposer or seconder is a person whose name is not registered on the electoral roll of the constituency or is subject to any disability stated in rule 7;
- (iii) that there has been any failure on the part of the candidate or his proposer or seconder to comply with any of the provisions of rule 11 or rule 12.

(2) For the purposes of this regulation,—

- (a) the production of any certified copy of an entry made in the electoral roll of any constituency shall be conclusive evidence of the right of any elector named in that entry to stand for election or to subscribe a nomination paper, as the case may be, unless it is proved that the candidate is disqualified under rule 5 or rule 6 or as the case may be, that the proposer or seconder is a person whose name is not registered on the electoral roll of the constituency or is subject to any disability stated in rule 7, and
- (b) where a person has subscribed whether as proposer or seconder a larger number of nomination papers than there are vacancies to be filled, those of the papers so subscribed which have been first received, up to the number of vacancies to be filled, shall be deemed to be valid.

(3) Nothing contained in clause (ii) or clause (iii) of sub-regulation (1) shall be deemed to authorize the refusal of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

9. (1) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(2) The scrutiny shall be completed on the day appointed in this behalf under clause (b) of sub-rule (2) of rule 11 and no adjournment of the proceedings shall be allowed.

10. On completion of the scrutiny of nominations and after the expiry of the period within which candidatures may be withdrawn under sub-rule (8) of rule 11, the Returning Officer shall forthwith prepare a list of persons whose nominations have not been rejected and who have not withdrawn their candidature and cause it to be affixed in some conspicuous place in his office.

11. If the number of such persons is greater than the number of vacancies, the Returning Officer shall forthwith publish in the manner prescribed in regulation 4 a list in Form No. II of the names in alphabetical order of the candidates as given in the nomination papers. The alphabetical order is to be determined with reference to the order of the surnames (*i.e.*, names proper) of the candidates.

*Voting for Muhammadan Constituency.*

12. No elector of this constituency shall be allowed to vote in any other way than is provided in the regulations in this part.

13. (1) Not less than fifteen clear days before the date fixed for the poll, the Returning Officer shall issue through the registered post, acknowledgment due, a declaration paper and a ballot paper to each elector to the address entered against his name in the electoral roll, unless the elector has, since the publication of the roll, given intimation of any change in his address in the manner prescribed in sub-regulation (2).

(2) Any elector wishing to intimate any change in his address as entered against his name in the electoral roll shall do so through a Taluk Magistrate, Deputy Tahsildar or Stationary Sub-Magistrate, having jurisdiction over the place mentioned in such address. The intimation shall be given in writing and shall be signed by the elector before the officer aforesaid. If the elector is not personally known to such officer, he shall be identified by two respectable witnesses who shall also sign the intimation as having identified the elector. For the purpose of identification, the testimony of the village officers of the village in which the elector resides, shall be accepted as sufficient. The officer before whom the elector signs the intimation shall forward it himself to the Returning Officer of the constituency concerned.

The provisions of this sub-regulation shall apply *mutatis mutandis* whenever the elector wishes to intimate any subsequent change in his address.

14. The ballot paper shall be in Form III and the declaration paper in Form III-A. The ballot paper shall have the names of the candidates in the order in which they appear in Form II. It shall be printed in such language as the Returning Officer may consider necessary. The same serial number shall be entered on the face of the declaration paper and on the back of the ballot paper. To each elector shall be issued the declaration paper and the ballot paper whose serial numbers correspond to the number which the elector bears on the electoral roll.

15. Before the ballot paper is issued to an elector, the Returning Officer shall

- (a) have the name of the elector entered on the declaration paper, and
- (b) place a mark against the name of the elector concerned in the electoral roll, or the copy of it, used for the purpose of the election.

16. With the ballot paper, the Returning Officer shall send cover addressed to himself in Form IV, an envelope with the number of the ballot paper entered on its face and a letter in Form V. The Returning Officer shall have the number of the ballot paper entered at the left hand bottom corner of the cover in Form IV.

17. Each elector, upon receipt of his ballot paper, if he desires to vote in the election, shall sign the declaration in the declaration paper and record his vote on the ballot paper by placing a mark against the name of the candidate of his choice.

18. The elector shall then enclose the ballot paper in the envelope and stick it up and enclose the envelope and the declaration paper in the cover and send the cover by registered post to the Returning Officer so as to reach him not later than the day and the latest hour fixed for the poll. The covers received after such day and hour as well as covers received by unregistered post shall be rejected :

Provided that, at his option, the elector may in person or by a messenger deposit the cover in a ballot box which shall be provided at the office of the Returning Officer on the day and during the hours fixed for the poll.

19. (1) If an elector is incapacitated from blindness or other physical cause from voting in the manner prescribed above, it shall be competent for him to record his vote by the hand of any of the officers or other persons mentioned hereunder : and such officer or other person shall, on the declaration paper, certify the incapacity and attest the fact of his having been requested by the elector to mark the ballot paper for him, and of its having been so marked by him in the presence of the elector.

(2) The following officers or other persons are empowered to attest votes of incapacitated electors under this regulation :—

- (i) District and taluk board members and municipal councillors.
- (ii) Gentlemen who bear a title conferred or recognised by the Government of India.
- (iii) Members of the Legislative Council of the Governor of Madras, of the Legislative Assembly and of the Council of State.
- (iv) Stipendiary Magistrates other than a village magistrate, Judges of the Court of Small Causes, Madras, and the City Civil Court, Madras, Sub-Judges, District Munsifs, District Registrars and Sub-Registrars.

20. (1) An elector who has not received his ballot and other connected papers sent by post or whose papers, before their despatch back to the Returning Officer have been inadvertently spoilt in such manner that they cannot be conveniently used, or who has lost his papers, may apply in the manner prescribed in sub-regulation (2) for new papers in place of those not received, spoilt or lost and if the papers have been spoilt, the spoilt papers shall be returned to the Returning Officer who shall cancel the same on receipt. In every case where new papers are issued, a mark shall be placed against the name of the elector in the copy of the roll referred to in clause (b) of regulation 15 to denote that new papers have been issued in place of those not received, spoilt or lost.

(2) Any elector applying for new papers under sub-regulation (1) shall sign a declaration to the effect that he has not received his ballot and other connected papers or that they have been spoilt or lost, as the case may be, before a Taluk Magistrate, Deputy Tahsildar or Stationary Sub-Magistrate having jurisdiction over the place mentioned in the address as entered against the elector's name in the electoral roll or as intimated under sub-regulation (2) of regulation 13, as the case may be. If the elector is not personally known to such officer, he shall be identified by two respectable witnesses who shall also sign the declaration as having identified the elector. For the purpose of identification, the testimony or the village officers of the village in which the elector resides shall be accepted as sufficient. The officer before whom the elector signs the declaration shall forward it himself to the Returning Officer of the constituency concerned.

21. No election shall be invalidated by reason that an elector has not received his ballot paper, provided that a paper has been issued to him in accordance with these regulations.

*Counting of Votes.*

22. The Returning Officer shall, as soon as may be practicable appoint a date which shall be not later than fifteen days from the date of the poll, and the time and place for the counting of votes and shall give notice in writing thereof to all candidates and election agents.

23. (1) No person shall be allowed to be present at the counting of votes except the Returning Officer and such persons as he may appoint to assist him in counting the votes, and such other persons as have a right to be present under sub-rule (6) of rule 14

(2) No person shall be appointed to assist in counting the votes, who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

24. On the day and at the time appointed under Regulation 22 the Returning Officer shall, before he commences to count the votes, read the provisions of section 14 of the Indian Election Offences and Inquiries Act, 1920, to such persons as may be present, and shall then proceed as follows :—

(a) The covers received from or deposited by electors under proviso to Regulation 18 shall be opened one after another and the envelopes and declaration papers taken out therefrom. If a cover should contain no declaration paper outside the envelope, the envelope enclosed in such cover shall be rejected and the Returning Officer shall endorse the word "Rejected" on the envelope. If a cover contains a declaration paper, the Returning Officer shall examine whether the declaration paper is the one sent out by him and whether the declaration and attestation are *prima facie* regular. If he is not satisfied that a declaration paper is the one sent out by him to the elector concerned or if the declaration or attestation is not in order, he shall endorse the word "rejected" on the back of the declaration paper and keep it with the connected envelope in a separate bundle. If more than one declaration paper or more than one envelope is enclosed in one and the same cover, all the declaration papers and envelopes contained in the cover shall be rejected and the Returning Officer shall endorse the word "rejected" on the back of each declaration paper, and keep the declaration papers so rejected and the envelopes contained in the cover in the same bundle of rejected papers. He shall file the other declaration papers and the envelopes containing the corresponding ballot papers in a separate heap. These envelopes shall then be opened, the ballot papers enclosed therein taken out and counted and the total thereof recorded by the Returning Officer in a statement.

- (b) The Returning Officer shall then mix together all the ballot papers so counted and totalled up and distribute them in convenient bundles to the persons appointed to assist in counting the votes.
  - (c) When the ballot papers have been so distributed, but not before, the Returning Officer shall allow the candidates and their agents reasonable opportunity to inspect without handling all ballot papers which in his opinion are liable to be rejected and shall on every ballot paper which is wholly or partially rejected endorse the word "rejected". If any candidate or agent present questions the correctness of the rejection, he shall also record on the ballot paper the grounds for the rejection. No candidate or agent shall be allowed to see the serial number on the back of any ballot paper.
  - (d) The Returning Officer shall, as far as practicable, proceed continuously with the counting of the votes ; and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets and other documents relating to the election under his own seal and the seals of such candidates, or agents as may desire to affix them, and shall cause adequate precautions to be taken for their custody.
25. (1) A ballot paper shall be rejected if
- (a) the number of votes recorded thereon exceeds the number of vacancies to be filled.
  - (b) no note is recorded thereon,
  - (c) it is void for uncertainty,
  - (d) it bears any mark by which the elector can be identified,
  - (e) (i) the cover enclosing the elector's declaration paper and the envelope containing his ballot paper has neither been sent by registered post so as to reach the Returning Officer not later than the day and the latest hour fixed for the poll nor deposited in the ballot box provided in the office of the Returning Officer on the day and during the hours fixed for the poll,
  - (ii) the cover contains no declaration paper outside the envelope,
  - (iii) more than one declaration paper or envelope containing ballot paper have been enclosed in one and the same cover, and
  - (iv) the declaration paper is not the one sent out by the Returning Officer to the elector or the declaration or attestation is not in order.

(2) Except on the abovementioned grounds a ballot paper shall not be rejected.

(3) The decision of the Returning Officer as to the validity of a ballot paper shall be final, subject only to reversal on an election petition.

26. Upon the completion of the counting, the Returning Officer shall seal up in separate packets--

- (1) the counted ballot papers ,
- (2) the rejected declaration papers and connected envelopes ;
- (3) the ballot papers rejected at the count ;
- (4) the rejected envelopes and the connected declaration papers, if any , and
- (5) the marked copy of the electoral roll.

He shall also prepare and sign a statement in Form VI and shall record on each packet a description of its contents and the date of the election to which it refers

27. The Returning Officer shall then prepare and certify a return in Form VII setting forth

- (1) the names of the candidates for whom valid votes have been given ;
- (2) the number of valid votes given for each candidate ,
- (3) the name of the candidate elected ;
- (4) the number of votes declared invalid ;

and shall permit any candidate or any representative duly authorized under sub-rule (6) of rule 14 to take a copy or an extract from such return.

#### *Voting for Non-Muhammadan Constituency.*

28. No elector of this constituency shall be allowed to vote in any other way than is provided in the regulations in this part.

29. Not less than fifteen clear days before the date fixed for the poll, the Returning Officer shall issue through the post a declaration paper and a ballot paper to each elector to the address entered against his name in the electoral roll, unless the elector has, since the publication of the roll, changed his address and intimation of such change has been received in writing by the Returning Officer.

30. The ballot paper shall be in Form VIII and the declaration paper in Form VIII-A. The ballot paper shall have the names of the candidates in the order in which they appear in Form II. It shall be printed in such language as the Returning Officer may consider necessary. The same serial number shall be entered on the face of the declaration paper and on the back of the ballot

paper. To each elector shall be issued the declaration paper and the ballot paper whose serial numbers correspond to the number which the elector bears on the electoral roll.

31. Before the ballot paper is issued to an elector, the Returning Officer shall

- (a) have the name of the elector entered on the declaration paper ;
- (b) place a mark against the name of the elector concerned in the electoral roll, or the copy of it, used for the purpose of the election

32 With the ballot paper the Returning Officer shall send a cover addressed to himself in Form IV, an envelope with the number of the ballot paper entered on its face and a letter in Form IX. The Returning Officer shall have the number of the ballot paper entered at the left-hand bottom corner of the cover in Form IV.

33 Each elector upon receipt of his ballot paper if he desires to vote in the election, shall sign the declaration in the declaration paper and record his vote on the ballot paper

34. (1) Every elector shall have one transferable vote.

(2) An elector in giving his vote—

- (a) must place on his ballot paper the figure 1 opposite the name of the candidate for whom he votes ,
- (b) may in addition place on his ballot paper the figure 2 or the figures 2 and 3 and so on opposite the names of other candidates in the order of his preference.

35. The elector shall then enclose the ballot paper in the envelope and stick it up and enclose the envelope and the declaration paper in the cover and send the cover by registered post to the Returning Officer so as to reach him not later than the day and the latest hour fixed for the poll. The covers received after such day and hour as well as covers received by unregistered post shall be rejected .

Provided that, at his option, the elector may, in person or by messenger, deposit the cover in a ballot box which shall be provided at the office of the Returning Officer on the day and during the hours fixed for the poll.

36. (1) If an elector is incapacitated from blindness or other physical cause, from voting in the manner prescribed above, it shall be competent for him to record his vote by the hand of any of the officers or other persons mentioned hereunder ; and such officer or other person shall, on the declaration paper, certify the incapacity and attest the fact of his having been requested by the elector to mark the ballot paper for him, and of its having been so marked by him in the presence of the elector.

(2) The following officers or other persons are empowered to attest votes of incapacitated electors under this regulation :—

- (i) District and taluk board members and municipal councillors-
- (ii) Gentlemen who bear a title conferred or recognized by the Government of India.
- (iii) Members of the Legislative Council of the Governor of Madras, of the Legislative Assembly and of the Council of State.
- (iv) Stipendiary Magistrates other than a village magistrate, Judges of the Court of Small Causes, Madras, and the City Civil Court, Madras, Sub-Judges, District Munsifs, District Registrars and Sub-Registrars.

37. An elector who has not received his ballot and other connected papers sent by post or whose papers, before their despatch back to the Returning Officer, have been inadvertently spoilt in such manner that they cannot be conveniently used, or who has lost his papers may, on his transmitting to the Returning Officer a declaration to that effect signed by himself, require the Returning Officer to send him new papers in place of those not received, spoilt or lost, and, if the papers have been spoilt, the spoilt papers shall be returned to the Returning Officer who shall cancel them on receipt. In every case when new papers are issued, a mark shall be placed against the name of the elector in the copy of the roll referred to in Regulation 31 (b) to denote that new papers have been issued in place of those not received, spoilt or lost.

38. No election shall be invalidated by reason that an elector has not received his ballot paper provided that a ballot paper has been issued to him in accordance with these regulations.

#### *Counting of votes.*

39. The Returning Officer shall, as soon as may be practicable after the close of the poll, appoint a date which shall be not later than fifteen days from the date of the poll, and the time and place for the counting of votes and shall give notice in writing thereof to all candidates and election agents.

40. (1) No person shall be allowed to be present at the counting of votes except the Returning Officer and such persons as he may appoint to assist him in counting the votes, and such other persons as have a right to be present under sub-rule (6) of rule 14.

(2) No person shall be appointed to assist in counting the votes, who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

41. On the day and at the time appointed under Regulation 39 the Returning Officer shall, before he commences to count the votes, read the provisions of section 14 of the Indian Election Offences and Inquiries Act, 1920, to such persons as may be present and shall then proceed as follows —

- (a) The covers received from or deposited by electors under the proviso to Regulation 35 shall be opened one after another and the envelopes and declaration papers taken out therefrom. If a cover should contain no declaration paper outside the envelope, the envelope enclosed in such cover shall be rejected and the Returning Officer shall endorse the word "rejected" on the envelope. If a cover contains a declaration paper, the Returning Officer shall examine whether the declaration paper is the one sent out by him and whether the declaration and attestation are *prima facie* regular. If he is not satisfied that a declaration paper is the one sent out by him to the elector concerned or if the declaration or attestation is not in order, he shall endorse the word "rejected" on the back of the declaration paper and keep it with the connected envelope in a separate bundle. If more than one declaration paper or more than one envelope is enclosed in one and the same cover, all the declaration papers and envelopes contained in the cover shall be rejected, and the Returning Officer shall endorse the word "rejected" on the back of each declaration paper, and keep the declaration papers so rejected and the envelopes contained in the cover in the same bundle of rejected papers. He shall file the other declaration papers and the envelopes containing the corresponding ballot papers in a separate heap. These envelopes shall then be opened, the ballot papers enclosed therein taken out and counted and the total thereof recorded by the Returning Officer in a statement.
- (b) The Returning Officer shall then mix together all the ballot papers so counted and totalled up and distribute them in convenient bundles to the persons appointed to assist in counting the votes.
- (c) When the ballot papers have been so distributed, but not before, the Returning Officer shall allow the candidates and their agents reasonable opportunity to inspect, without handling, all ballot papers, which in his opinion are liable to be rejected and shall on every ballot paper which is wholly or partially rejected endorse the word "rejected." If any candidate or agent present questions the correctness of the rejection, he shall also

record on the ballot paper the grounds for the rejection. No candidate or agent shall be allowed to see the serial number on the back of any ballot paper.

- (d) The Returning Officer shall, as far as practicable, proceed continuously with the counting of the votes ; and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets and other documents relating to the election under his own seal and the seals of such candidates, or agents as may desire to affix them, and shall cause adequate precautions to be taken for their custody.

42. (1) A ballot paper shall be rejected if—

- (a) the figure 1 is not marked thereon ;
- (b) the figure 1 is set opposite the name of more than one candidate ;
- (c) the figure 1 and some other figure is set opposite the name of the same candidate ;
- (d) the paper is void for uncertainty ,
- (e) it bears any mark by which the elector can be identified.
- (f) (i) the cover enclosing the elector's declaration paper and the envelope containing his ballot paper has neither been sent by registered post so as to reach the Returning Officer not later than the day and the latest hour fixed for the poll nor deposited in the ballot box provided in the office of the Returning Officer on the day and during the hours fixed for the poll,
- (ii) the cover contains no declaration paper outside the envelope,
- (iii) more than one declaration paper or envelope containing ballot paper have been enclosed in one and the same cover, and
- (iv) the declaration paper is not the one sent out by the Returning Officer to the elector or the declaration or attestation is not in order.

Provided that in a case where more than one vote can be given on the same ballot paper, if one of the marks is so placed as to render it doubtful to which candidate it was intended to apply, the vote concerned but not the whole ballot paper shall be invalid on that account.

(2) Except on the abovementioned grounds a ballot paper shall not be rejected.

(3) The decision of the Returning Officer as to the validity of a ballot paper shall be final subject only to reversal on an election petition.

43. The manner of counting shall be as follows :—

The Returning Officer shall arrange the ballot papers (other than invalid papers) in parcels according to the first preferences recorded for each candidate. He shall also ascertain the total number of valid papers

44. The Returning Officer shall then count the number of papers in each parcel, and credit each candidate with one vote in respect of each valid paper on which a first preference has been recorded for him.

45. The Returning Officer shall then divide the total number of valid papers by a number exceeding by one the number of vacancies to be filled, and the result increased by one, disregarding any fractional remainder, shall be the number of votes sufficient to secure the return of candidate (hereinafter called the "quota").

46. If at any time the number of votes credited to a candidate is equal to or greater than the quota, that candidate shall be elected.

47. (1) If the number of votes credited to an elected candidate is greater than the quota, the surplus shall be transferred in accordance with the provisions of this regulation to the continuing candidates indicated on the ballot papers in the parcel of the elected candidate as being next in order of the electors' preference.

(2) (a) If the votes credited to an elected candidate consist of original votes only, the Returning Officer shall examine all the papers in the parcel of the elected candidate whose surplus is to be transferred and shall arrange the transferable papers in sub-parcels according to the next preferences recorded thereon.

(b) If the votes credited to an elected candidate consist of original and transferred votes or of transferred votes only, the Returning Officer shall examine the papers contained in the sub-parcel last received by the elected candidate and shall arrange the transferable papers therein in further sub-parcels according to the next preferences recorded thereon

(c) In either case the Returning Officer shall make a separate sub-parcel of the non-transferable papers and shall ascertain the number of papers in each sub-parcel of transferable papers and in the sub-parcel of non-transferable papers.

(3) If the total number of papers in the sub-parcels of transferable papers is equal to or less than the surplus, the Returning Officer shall transfer each sub-parcel of transferable papers to the continuing candidate indicated thereon as the electors' next preference.

(4) (a) If the total number of transferable papers is greater than the surplus, the Returning Officer shall transfer from each sub-parcel the number of papers which bears the same proportion so the number of papers in the sub-parcel as the surplus bears to the total number of transferable papers.

(b) The number of papers to be transferred from each sub-parcel shall be ascertained by multiplying the number of papers in the sub-parcel by the surplus and dividing the result by the total number of transferable papers. A note shall be made of the fractional parts, if any, of each number so ascertained.

(c) If, owing to the existence of such fractional parts, the number of papers to be transferred is less than the surplus, so many of these fractional parts taken in the order of their magnitude, beginning with the largest, as are necessary to make the total number of papers to be transferred equal to the surplus, shall be reckoned as of the value of unity and the remaining fractional parts shall be ignored. If two or more fractional parts are of equal magnitude, that fractional part shall be deemed to be the larger which arises from the larger sub-parcel and if the sub-parcels in question are equal in size, preference shall be given to the candidate who obtained the larger number of original votes.

(d) The particular papers to be transferred from each sub-parcel shall be those last filed in the sub-parcel.

(e) Each paper transferred shall be marked in such a manner as to indicate the candidate for and to whom the transfer is made.

(5) (a) If more than one candidate has a surplus the largest surplus shall be first dealt with

(b) If two or more candidates have each the same surplus, regard shall be had to the number of original votes obtained by each candidate, and the surplus of the candidate credited with the largest number of original votes shall be first dealt with, and, if the numbers of the original votes are equal, the Returning Officer shall decide which surplus he will first deal with.

(c) The Returning Officer need not transfer the surplus of an elected candidate when that surplus together with any other surplus not transferred is less than the difference between the total of the votes credited to the two continuing candidates lowest on the roll.

48. (1) If at any time no candidate has a surplus (or when under the preceding regulation any existing surplus need not be transferred) and one or more vacancies remain unfilled, the Returning Officer shall exclude from the poll the candidate credited with the lowest number of votes and shall examine all the papers of that candidate, and shall arrange the transferable papers in sub-parcels according to the next preferences recorded thereon for continuing candidates, and shall transfer each sub-parcel to the candidate for whom that preference is recorded.

The Returning Officer shall make a separate sub-parcel of the non-transferable papers.

(2) If the total of the votes of the two or more candidates lowest on the poll, together with any surplus votes not transferred, is less than the votes credited to the next highest candidate, the Returning Officer may in one operation exclude those candidates from the poll and transfer their votes in accordance with the preceding regulation.

(3) If, when a candidate has to be excluded under this regulation, two or more candidates have each the same number of votes and are lowest on the poll, regard shall be had to the number of original votes credited to each of those candidates, and the candidate with fewest original votes shall be excluded and, where the number of the original votes are equal regard shall be had to the total number of votes credited to those candidates at the first transfer at which they had an unequal number of votes, and the candidate with the lowest number of votes at that transfer shall be excluded, and, where the numbers of votes credited to those candidates were equal at all transfers, the Returning Officer shall decide by casting lots which shall be excluded

49. (1) Whenever any transfer is made under any of the preceding regulations, each sub-parcel of papers transferred shall be added to the parcel, if any, of papers of the candidate to whom the transfer is made, and that candidate shall be credited with one vote in respect of each paper transferred. Such papers as are not transferred shall be set aside as finally dealt with and the votes given thereon shall thenceforth not be taken into account.

(2) If after any transfer a candidate has a surplus, that surplus shall be dealt with in accordance with and subject to the provisions contained in Regulation 47 before any other candidate is excluded.

50. (1) When the number of continuing candidates is reduced to the number of vacancies remaining unfilled the continuing candidate shall be elected.

(2) When only one vacancy remains unfilled and the votes of some one continuing candidate exceed the total of all the votes of the other continuing candidates together with any surplus not transferred, that candidate shall be elected.

(3) When the last vacancies can be filled under this regulation, no further transfer of votes need be made.

51. The Returning Officer shall then declare the names of the candidates who have been duly elected and shall prepare a return in Form X.

52. Any candidate or his agent may at any time during the counting of the votes, either before the commencement or after the completion of any transfer of votes (whether surplus or otherwise), request the Returning Officer to re-examine and recount the papers of all or any candidates (not being papers set aside at any previous transfer as finally dealt with) and the Returning

Officer shall forthwith re-examine and recount the same accordingly. The Returning Officer may also at his discretion recount votes either once or more often in any case in which he is not satisfied as to the accuracy of any previous count. Provided that nothing herein shall make it obligatory on the Returning Officer to recount the same votes more than once.

53. (a) After the declaration of the result of the voting, the Returning Officer shall seal up in separate packets—

- (1) the counted ballot papers ,
- (2) the rejected declaration papers and connected envelopes ;
- (3) the ballot papers declared invalid ,
- (4) the rejected envelopes and the connected declaration papers, if any ; and
- (5) the marked copy of the electoral roll

(b) He shall also prepare and certify a return in Form VI and permit any candidate or his agent to take a copy of this return or of the return in Form X

54. The Returning Officer shall, after declaring the result, forward a copy of the return in Form VII and X to the Secretary to the Government of India, Legislative Department

#### *Miscellaneous.*

55. All the packets relating to the elections shall, subject to the control of the Local Government, remain in the custody of the Returning Officer

56. The packets of ballot papers whether counted or rejected and of the declaration papers shall not be opened and their contents shall not be inspected or produced except under the order of a competent Court or of Commissioners appointed to hold an inquiry in respect of an election, but all other documents relating to the election shall be open to inspection subject to such conditions as the Local Government may impose and to the payment of a fee of Rs 5.

57. The packets aforesaid shall be retained for a period of one year and shall thereafter be destroyed subject to any direction to the contrary made by the Local Government, or by a competent Court or by Commissioners appointed to hold an inquiry in respect of an election

#### SCHEDULE.

<i>Name of constituency.</i>	<i>Returning Officer.</i>	<i>Other officer who may perform the duties of a Returning Officer.</i>
Non-Muhammadian	Secretary to the Government of Madras in charge of Elections	Assistant or Under Secretary in charge of Elections.
Muhammadian	Do	Do.

FORM I.

FORM OF NOTICE.

*Council of State Election.*

Whereas the \_\_\_\_\_ constituency of the  
Council of State has been called upon by notification to elect a  
member on or before \_\_\_\_\_, I,  
the Returning Officer of the said constituency, do hereby give the  
following

*Public notice.*

- (i) The number of persons to be elected is \_\_\_\_\_  
(ii) Nomination papers may be delivered to the undersigned  
at (office) or if he is unavoidably prevented from receiving the  
same to \_\_\_\_\_ at \_\_\_\_\_  
They should be presented between 11 A.M. and 3 P.M. on or before  
(date).  
(iii) Forms of nomination paper may be obtained at the offices  
of the persons above mentioned between the hours of (hour) and  
(hour) from (date) to (date)  
(iv) The nomination papers will be taken up for scrutiny at  
(hour) on (date) in (place)  
(v) In the event of the election being contested, the poll will  
take place on \_\_\_\_\_ between the  
hours of \_\_\_\_\_ and \_\_\_\_\_ with an  
interval of rest between \_\_\_\_\_ and \_\_\_\_\_

*Returning Officer.*

FORM II

*Council of State.*

.....Constituency.

*Final list of candidates for election.*

<i>Serial number.</i>	<i>Name of candidate.</i>	<i>Address of candidate.</i>
-----------------------	---------------------------	------------------------------

1		
2		
3		
4	etc	

*Note.*

Ballot papers should reach the Returning Officer before  
(hour) on \_\_\_\_\_ or be deposited at the office of the  
Returning Officer between \_\_\_\_\_ and \_\_\_\_\_ on \_\_\_\_\_

*Returning Officer.*

## FORM III.

BALLOT PAPER.

*Council of State.*

Madras (Muhammadan) Constituency.

Names of candidates.	Mark showing the elector's choice.

[ Please see instructions on the back.]

*(Back of ballot paper).*

- (1) The number of members for whom you may vote is one.
- (2) Place a cross mark thus × against the name of the candidate for whom you wish to vote.
- (3) The mark should be placed against not more than one.

Serial
--------

## FORM III-A.

DECLARATION PAPER.

*Council of State.*

Madras (Muhammadan) Constituency.

Serial No.

Elector's name and number on the roll.

*Elector's declaration.*

I (name in full and designation)  
 declare that I am an elector for this constituency and have signed no other ballot paper at this election for this constituency.

Date

Signature.

Station.

Address.

FORM IV

FORM OF FACE OF COVER.

*Council of State Elections.*

\_\_\_\_\_—Constituency.

Poll on. \_\_\_\_\_

To

The Returning Officer

\_\_\_\_\_—Constituency

\_\_\_\_\_—(station and address.)

No.

FORM V.

FORM OF LETTER OF INTIMATION.

*Council of State.*

Madras (Muhammadian) Constituency.

Sir,

The persons whose names are printed on the ballot paper sent herewith have been nominated as candidates for the Council of State. Should you desire to vote at this election, I have to request that you will—

- (a) sign the declaration paper ;
- (b) mark your vote in the column provided for the purpose in the ballot paper ;
- (c) enclose the ballot paper in the smaller envelope and stick it up ,
- (d) put the smaller envelope and the declaration paper in the cover addressed to me and return it to me by registered post so as to reach me not later than

A.M.

P.M.

on the \_\_\_\_\_ day of  
193 \_\_\_\_\_ or deposit or cause to be deposited the  
cover addressed to me in the ballot box provided for  
the purpose in (place) \_\_\_\_\_ between \_\_\_\_\_ and  
on \_\_\_\_\_

2. Regulation 25 of the Regulations for the conduct of elections provides that a ballot paper shall be rejected if

- (a) the number of votes recorded thereon exceeds the number of vacancies to be filled.
- (b) no vote is recorded thereon,
- (c) it is void for uncertainty.
- (d) it bears any mark by which the elector can be identified,
- (e) (i) the cover, enclosing the elector's declaration paper and the envelope containing his ballot paper has neither been sent by registered post so as to reach the Returning Officer not later than the day and the latest hour fixed for the poll, nor deposited in the ballot box provided in the office of the Returning Officer on the day and during the hours fixed for the poll,
- (ii) the cover contains no declaration paper outside the envelope,
- (iii) more than one declaration paper or envelope containing ballot paper have been enclosed in one and the same cover, and
- (iv) the declaration paper is not the one sent out by the Returning Officer to the elector or the declaration or attestation is not in order.

3. If you inadvertently spoil a ballot paper, you can return it to the Returning Officer, who will, if satisfied of such inadvertence, give you another paper.

Station

Dated

*Returning Officer.*

### FORM VI.

Total number of electors on roll	Number of ballot papers issued originally	Number issued in place of ballot papers reported as not received, spoiled or lost	Number of ballot papers received	Number of declaration papers and connected envelopes rejected	Number of ballot papers rejected at the count	Number of ballot papers counted	Number of declaration papers filed separately	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

*Returning Officer.*

## FORM VII.

*Council of State.*

RETURN SHOWING RESULTS OF THE ELECTION FOR

SEATS FOR

CONSTITUENCY.

Name of candidate for whom votes have been given.										Number of valid votes.
A	.	.	.	.	.	.	.	.	.	....
B	.	.	.	.	.	.	.	.	.	....
C	.	.	.	.	.	.	.	.	.	....
D	.	.	.	.	.	.	.	.	.	....
E	.	.	.	.	.	.	.	.	.	....
F	.	.	.	.	.	.	.	.	.	....
Number of valid votes										....
Number of votes declared invalid										....

I do hereby declare that the following candidates

A  
B  
C  
D

have been duly elected.

*Returning Officer.*

## FORM VIII.

BALLOT PAPER.

*Council of State.*

Madras (Non-Muhammadan) Constituency.

Order of preference.	Names of candidates.
	Ayyaswami Pillai (Papanasam Ayyaswami Pillai, 32, Singara-chari Street, Triplicane, Madras).
	Govinda Rao Nayudu (Emmaneni Govinda Rao Nayudu, 117, Car Street, Nellore).
	Parthasarathi Naicker (Conjeeveram Parthasarathi Naicker, 23, West Mada Street, Conjeeveram).
	Ramaswami Ayyar (Coimbatore Ramaswami Ayyar, 32, Karuppa Gounden Street, Coimbatore).
	Srikrishnulu (Jayanti Srikrishnulu, 47, Court Road, Bellary).
	Srinivasa Chariyar (Perugamani Srinivasa Chariyar, 30, Main Road, Trichinopoly).

*Directions for the guidance of the elector.*

Vote by placing the figure 1 in the square opposite the name of the candidate for whom you vote. You may also place the figure 2 in the square opposite the name of the candidate who is your second choice, and the figure 3 in the square opposite the name of the candidate who is your third choice. *And so on.* Crosses must not be used.

A ballot paper will be rejected if—

- (a) the figure 1 is not marked thereon;
- (b) the figure 1 is set opposite the name of more than one candidate;
- (c) the figure 1 and some other figure is set opposite the name of the same candidate;
- (d) the paper is void for uncertainty;
- (e) it bears any mark by which the elector can be identified;
- (f) (i) the cover, enclosing the elector's declaration paper and the envelope containing his ballot paper has neither been sent by registered post so as to reach the Returning Officer not later than the day and the latest hour fixed for the poll nor deposited in the ballot box provided in the office of the Returning Officer on the day and during the hours fixed for the poll.
- (ii) the cover contains no declaration paper outside the envelope,
- (iii) more than one declaration paper or envelope containing ballot paper have been enclosed in one and the same cover, and
- (iv) the declaration paper is not the one sent out by the Returning Officer to the elector or the declaration or attestation is not in order.

Provided that in a case where more than one vote can be given on the same ballot paper, if one of the marks is so placed as to render it doubtful to which candidate it was intended to apply, the vote concerned but not the whole ballot paper shall be invalid on that account.

If you inadvertently spoil a ballot paper, you can return it to the officer, who will, if satisfied of such inadvertence, give you another paper.

NOTE.—These directions may be illustrated by examples of a valid ballot paper such as the following :—


*Examples of ballot papers validly marked.*

A

Order of preference.	Names of candidates.
2	Ayyaswami Pillai (Papanasam Ayyaswami Pillai 32, Singarachari Street, Triplicane, Madras).
1	Govinda Rao ayudu (Emmaneni Govinda Rao Nayudu, 117, Car Street, Nellore).
4	Parthasarathi Naicker (Conjeeveram Parthasarathi Naicker, 23, West Mada Street, Conjeeveram).
3	Ramaswami Ayyar (Coimbatore Ramaswami Ayyar, 32, Karuppa Gounden Street, Coimbatore).
6	Srikrishnulu (Jayanti Srikrishnulu, 47, Court Road, Bellary).
5	Srinivasa Chariyar (Perugamani Srinivasa Chariyar, 30, Main Road, Trichinopoly).

B

Order of preference.	Names of candidates.
	Ayyaswami Pillai (Papanasam Ayyaswami Pillai, 32, Singarachari Street, Triplicane, Madras).
	Govinda Rao Nayudu (Emmaneni Govinda Rao Nayudu, 117, Car Street, Nellore).
1	Parthasarathi Naicker (Conjeeveram Parthasarathi Naicker, 23, West Mada Street, Conjeeveram).
	Ramaswami Ayyar (Coimbatore Ramaswami Ayyar, 32, Karuppa Gounden Street, Coimbatore).
	Srikrishnulu (Jayanti Srikrishnulu, 47, Court Road, Bellary).
	Srinivasa Chariyar (Perugamani Srinivasa Chariyar, 30, Main Road, Trichinopoly).

—	Order of preference.	Names of candidates.
		Ayyaswami Pillai (Papanasam Ayyaswami Pillai, 32, Singarachari Street, Triplicane, Madras).
		Govind Rao Nayudu (Emmaneni Govinda Rao Nayudu, 117, Car Street, Nellore).
	3	Parthasarathi Naicker (Conjeeveram Parthasarathi Naicker, 23, West Mada Street, Conjeeveram).
		Ramaswami Ayyar (Coimbatore Ramaswami Ayyar, 32, Karuppa Goundon Street, Coimbatore).
	2	Srikrishnulu (Jayanti Srikrishnulu, 47, Court Road,  Bellary).
	1	Srinivasa Chariyar (Perugamani Srinivasa Chariyar, 30, Main Road, Trichinopoly).

## FORM VIII-A.

## DECLARATION PAPER.

*Council of State Election.*

Madras (Non-Muhammadan) Constituency.

Serial No.

Elector's name and number on the roll.

*Elector's declaration.**I**(name in full and designation)  
declare that*I am an elector for this constituency and have signed no other  
ballot paper at this election for this constituency.

Date

Signature.

Station.

Address.

- (a) the figure 1 is not marked thereon ;
- (b) the figure 1 is set opposite the name of more than one candidate ;
- (c) the figure 1 and some other figure is set opposite the name of the same candidate ;
- (d) the paper is void for uncertainty ;
- (e) it bears any mark by which the elector can be identified ;
- (f) (i) the cover, enclosing the elector's declaration paper and the envelope containing his ballot paper has neither been sent by registered post so as to reach the Returning Officer not later than the day and the latest hour fixed for the poll nor deposited in the ballot box provided in the office of the Returning Officer on the day and during the hours fixed for the poll.

- (ii) the cover contains no declaration paper outside the envelope ;
- (iii) more than one declaration paper or envelope containing ballot paper have been enclosed in one and the same cover, and
- (iv) the declaration paper is not the one sent out by the Returning Officer to the elector or the declaration or attestation is not in order.

Provided that in a case where more than one vote can be given on the same ballot paper, if one of the marks is so placed as to render it doubtful to which candidate it was intended to apply the vote concerned but not the whole ballot paper shall be invalid on that account.

Station

Date

*Returning Officer.*

# FORM X.

Names of candidates.	Votes.	Transfer of A's surplus.		Result.	Transfer of K's votes.		Result.	Transfer of H's and I's votes.		Result.	Transfer of B's surplus.		Result.	Transfer of F's votes.	Final results showing the names of candidates elected and the order of their election.
A . . . . .	2,009	—1,008		1,001	..		1,001	..		1,001	..		1,001	..	1,001 (elected) A (1).
B . . . . .	952	..		952	..		952	+119		1,071	—70		1,001	..	1,001 (elected) B (3).
C . . . . .	939	..		939	+4		943	..		943	..		943	+353	1,296 (elected) C (4).
D . . . . .	746	+129		875	..		875	+107		982	..		982	..	982 (elected) D (5).
E . . . . .	493	+6		499	..		499	..		499	+70		569	..	569
F . . . . .	341	+14		355	+89		444	..		444	..		444	—444	....
G . . . . .	157	+859		1,016	..		1,016	..		1,016	..		1,016	..	1,016 (elected) G (2).
H . . . . .	152	..		152	..		152	—152		..	..		..	..	....
I . . . . .	118	..		118	..		118	—118		..	..		..	..	....
K . . . . .	93	..		93	—93		..	..		..	..		..	..	....
Non-transferable papers not transferred.	..	..		..	..		..	+44		44			44	+91	135
Total	6,000	..		6,000	..		6,000	..		6,000	..		6,000	..	6,000

## APPENDIX.

*Example of an election conducted on the system of the single transferable vote.*

Let it be assumed that there are five members to be elected, and that there are ten candidates, A, B, C, D, E, F, G, H, I and K.

The ballot papers are examined, and the valid papers are arranged in separate parcels under the names of the candidates marked with the figure 1.

## FIRST COUNT.

Each separate parcel is counted, and each candidate is credited with one vote in respect of each paper on which a first preference has been recorded for him.

The result of the count may be supposed to be as follows.—

	Votes.		Votes.		Votes.		Votes.
A . . .	2,009	D . . .	746	G . . .	157	K . . .	93
B . . .	952	E . . .	493	H . . .	152		
C . . .	939	F . . .	341	I . . .	118	Total	6,000

## THE QUOTA.

It is found that the total of all the valid votes is 6,000. This total is divided by six (*i.e.*, the number which exceeds by one the number of vacancies to be filled), and 1,001 (*i.e.*, the quotient 1,000 increased by one) is the 'quota' or the number of votes sufficient to elect a member.

A's votes exceed the quota, and he is declared elected.

*First transfer.*

A has 1,008 surplus votes (*i.e.*, A's total 2,009 less the quota 1,001), and it is necessary to transfer this surplus [Regulation 47 (1)].

All A's 2,009 papers are examined and arranged in separate sub-parcels, according to the second preference indicated thereon [Regulation 47 (2) (a)].

A separate sub-parcel is also formed of those papers on which no further available preference, *i.e.*, no further preference for any continuing candidate, is shown, and which are therefore not transferable [Regulation 47 (2) (c)].

The result is found to be as follows :—

	Papers.
A next available preference is shown—	
„ for D on . . . . .	257
„ for E on . . . . .	11
„ for F on . . . . .	28
„ for G on . . . . .	1,708
Total of transferable papers . .	2,004
Total of non-transferable papers .	5
Total of A's papers . .	2,009

Since the total number of transferable papers (2,004) exceeds the surplus (1,008), only a portion of each sub-parcel can be transferred, and the number of papers to be transferred from each sub-parcel must bear the same proportion to the total number of papers in the sub-parcel as that which the surplus bears to the total number of transferable papers.

In other words, the number of papers to be transferred from each sub-parcel is ascertained by multiplying the number of papers in the sub-parcel, by 1,008 (the surplus), and dividing the result by 2,004 (the total number of transferable papers).

The process is as follows :—

D's sub-parcel contains 257 papers, and his share of the surplus is therefore :—

$$257 \times \frac{1,008}{2,004} \text{ or } 129 \frac{540}{2,004}$$

E's sub-parcel contains 11 papers, and his share of the surplus is therefore :—

$$11 \times \frac{1,008}{2,004} \text{ or } 5 \frac{1,068}{2,004}$$

F's sub-parcel contains 28 papers, and his share of the surplus is therefore :—

$$28 \times \frac{1,008}{2,004} \text{ or } 14 \frac{168}{2,004}$$

G's sub-parcel contains 1,708 papers, and his share of the surplus is therefore :—

$$1,708 \times \frac{1,008}{2,004} \text{ or } 859 \frac{228}{2,004}$$

Total 1,008

The numbers of papers to be transferred as determined by the preceding process contain fractions, and, since only whole papers can be transferred, so many of the largest of the fractions, taken in order of their magnitude, as will make the total number of papers to be transferred equal to the surplus are reckoned as of the value of unity.

Thus, as the *whole* numbers determined above amount to only 1,007, *viz.*,  $129 + 5 + 14 + 859$  or one short of the surplus 1,008, the largest fraction  $\frac{1,068}{20 \cdot 4}$  is reckoned as unity, and the numbers of papers to be transferred are as follows:—

Papers.		Papers.	
To D . . . .	129	To F . . . .	14
To E . . . .	6	To G . . . .	859
Total, being A's surplus .		1,008	

The particular papers to be transferred to D, E, F and G are those last filed in their respective sub-parcels, and, therefore, at the top of the sub-parcels. The papers to be transferred are to be marked so as to indicate the candidates from and to whom the transfer is made.

These papers are added in separate sub-parcels of D, E, F and G.

The totals of the votes credited to these candidates then become:—

Votes.		Votes.	
D . . . .	$746 + 129 = 875$	F . . . .	$341 + 14 = 355$
E . . . .	$493 + 6 = 499$	G . . . .	$157 + 859 = 1,016$

The remainders of the papers in the sub-parcel (*i.e.*, those papers not transferred), together with the papers on which no further available preferences were marked, are collected together and formed into one parcel, representing A's quota of votes (1,001), and these papers are set aside as finally dealt with. The parcel is made up as follows:—

The remainder of D's sub-parcel, 257 less 129 . . . .	= 128
The remainder of E's sub-parcel, 11 less 6 . . . .	= 5
The remainder of F's sub-parcel, 28 less 14 . . . .	= 14
The remainder of G's sub-parcel, 1,708 less 859 . . . .	= 849
Non-transferable papers . . . . .	5
Total being A's quota . . . . .	1,001

The operations involved in this transfer are summarised in the following table :—

*Transfer of A's surplus.*

Surplus	1,008
Number of transferable papers	1,004
Proportion to be transferred	Surplus 1,008
	Number of transferable papers. 2,004

Names of candidates marked as the next available preferences.	Number of original papers.	Number of papers transferred.	Number of papers retained for A's quota.
B . . . . .			..
C . . . . .			
D . . . . .	257	129	128
E . . . . .	11	6	5
F . . . . .	28	14	14
G . . . . .	1,708	859	849
H . . . . .			..
I . . . . .			..
K . . . . .			..
Total number of transferable papers.	2,004	1,008	996
Number of non-transferable papers.	5		5
Total	2,009	1,008	1,001

The state of the poll on the conclusion of the transfer is as follows :—

Votes.	Votes.	Votes.	Votes.
A 1,001 elected.	C . 939	F . . 355	K . . 93
G . 1,016 ,,	D 875	H . . 152	
B . 952 ,,	E . 499	I . . 118	Total . 6,000

G now has 1,016 votes, a number which is more than the quota. He is accordingly declared elected.

*Second transfer.*

G's surplus (1,016 less 1,001, or 15) would have to be transferred were it not for the provision of Regulation 47 (5) (c). Under the latter rule, the Returning Officer need not transfer a surplus which is less than the difference between the two lowest candidates on the poll, and where, therefore, the transfer could not alter the relative position of these two candidates, even if the whole surplus were transferred to the lowest candidate. In this case the difference between I and K, the two lowest candidates, is 25 (118 less 93), and therefore G's surplus need not be transferred.

The Returning Officer proceeds to distribute the papers of the candidate with the smallest total of votes.

K's parcel of 93 papers is, therefore, examined. It is found to contain 89 papers on which F is the next preference, and 4 on which C is the next preference.

Therefore 89 papers are transferred to F and 4 to C

The poll now stands as follows:—

Votes.		Votes.		Votes.	
A	1,001 elected	C	943	F	444
G	1,016 „	D	875	H	152
B	952 „	E	499	I	118
				Total	6,000

*Third transfer.*

The poll shows that as a result of the second transfer no further candidate obtained the quota which would entitle him to election, and the next operation has to be determined upon.

The difference between I and H (152 less 118, *i.e.*, 34) exceeds G's surplus (15), which, therefore, is still allowed to remain untransferred [Regulation 47 (5) (c)].

Candidate I is lowest on the poll and his papers have to be distributed in the same manner as K's [Regulation 48 (1)]. But as the combined totals of H and I together with G's surplus (152+118+15=285) are less than 444, the total of F, the next highest candidate, the Returning Officer avails himself of Regulation 48 (2), and distributes the papers of both H and I in one operation.

The papers (152+118, or 270 in all) in the parcels of H and I are examined in one operation, and it is found that—

				Papers.
B is marked next preference on	.	.	.	119
D is marked next preference on	.	.	.	107
Non-transferable papers	.	.	.	44
Total				270

It should be stated that on some papers some or one of the candidates A, G, I, H and K may have been marked as next in order of preference on the papers examined, but, as all these candidates are already either elected or excluded, any papers so marked pass to those of the other candidates for whom the next available preferences have been recorded.

The operation is completed by the transfer of 119 papers to B' and 107 to D, whilst the 44 non-transferable papers are set aside as finally dealt with [Regulation 49 (1)].

The poll now stands as follows :—

Votes		Votes		Votes.	
A	1,001 elected.	D	982	Non-transferable papers	44
G	1,016 „	C	943		
	1,071 „	F	499	Total	6,000
		E	444		

B now has 1,071 votes, a number which exceeds the quota. He is accordingly declared elected.

#### *Fourth transfer.*

B's surplus (70) exceeds the difference (55) between E and F, the two candidates lowest on the poll, and it is, therefore, necessary to distribute it.

For this purpose, only sub-parcel of papers last transferred, containing 119 papers, is taken into account.

These are examined and arranged in sub-parcels (in the same manner as A's papers were examined and arranged) with the following result :—

A next preference is shown for E on 84 papers.

No further preference is shown on 35 papers.

The total number of transferable papers (84) is thus greater than the surplus (70) and the proportion to be transferred is  $\frac{70}{84}$ . But there is only one candidate, E, entitled to participate in the transfer. E accordingly receives the whole of the surplus, and the 70 papers last filed in E's sub-parcel are therefore transferred to him, after being marked so as to indicate their transfer from B to E [Regulation 47 (4) (c)].

The remainder of the papers in E's sub-parcel, together with the non-transferable papers, are placed with B's original parcel. The whole constitutes B's quota, and these papers are set aside as finally dealt with [Regulation 49 (1)].

B's quota is made up as follows :—

Original parcel . . . . .	952
Remainder of E's sub-parcel . . . . .	14
Non-transferable papers . . . . .	25
Total . . . . .	<u>1,001</u>

The poll now stands as follows :—

Votes.		Votes.		Votes.	
A . . .	1,001 elected.	D . . .	982	F . . .	444
G . . .	1,016 „	C . . .	943	Non-transferable papers . . .	44
B . . .	1,001 „	E . . .	569	Total . . .	<u>6,000</u>

*Fifth transfer.*

No candidate is elected as the result of the transfer, and the next operation has to be determined upon.

G's surplus is still not distributable, being smaller than the difference between the totals of E and F, the two lowest candidates. [Regulation 47 (5) (e)].

F is lowest and his papers have to be distributed.

On examination it is found that F's 444 papers, 353 show a next preference for C, and the remainder, 91, contain no further preference.

The operation is completed by the transfer of 353 papers to C, whilst the 91 non-transferable papers are set aside as finally dealt with [Regulation 49 (1)].

The poll now stands as follows :—

Votes.		Votes.		Votes.	
A . . .	1,001 elected.	C . . .	1,296	Non-transferable papers . . .	135
G . . .	1,016 „	D . . .	982	Total . . .	<u>6,000</u>
B . . .	1,001 „	E . . .	569		

## II. — Bombay.

NOTE—

<i>Constituencies</i>	<i>No. of members.</i>
<i>Non-Muhammadan</i> . . . . .	3
<i>Muhammadan</i> . . . . .	2*
<i>Commerce (European)</i> . . . . .	1

\* One for Sind.

**Council of State (Bombay) Electoral (Regulations Legislative Department  
Notification No. 224, dated the 1st October 1923.)**

### REGULATIONS.

#### PART I.—*General.*

1. In these regulations—

(a) 'Returning Officer' means the person stated in the first column of the table hereto annexed in respect of the Constituency entered against him in the second column of the said table, or any person whom the Local Government may, by notification in this behalf, appoint as Returning Officer in respect of any election or part of an election in any Constituency in lieu of the person stated in the said table, and shall include any person deputed for the time being by the Returning Officer to perform any of his duties.

#### *Table.*

Collector of Bombay . . . .	Bombay (Non-Muhammadan) Constituency.
Commissioner in Sind . . . .	Sind (Muhammadan) Constituency.
Commissioner, Central Division	Bombay Presidency (Muhammadan) Constituency.
Secretary, Bombay Chamber of Commerce.	Bombay Chamber of Commerce Constituency.

(b) 'Rules' means the Council of State Electoral Rules.

(c) 'Ballot Paper' includes a part of a ballot paper.

#### PART II.—*Electoral Rolls.*

1. (1) The Collector shall cause to be prepared an electoral roll for each Constituency or part of a Constituency included within his jurisdiction, and where the Collector is not the Returning Officer for any such constituency shall submit the roll to the Returning Officer in time to allow of the roll being published on the appointed date in the manner prescribed in this regulation.

(2) The elector's name, his residence, the nature of his qualification and, except in the case of a Christian, his father's name shall be entered in the roll.

(3) The roll shall be prepared alphabetically and separately for each taluka or mahal; a separate alphabetical roll shall be prepared for the City of Bombay and also for the area including the municipal district of Karachi, the cantonments of Karachi and Manora and the Karachi Port Trust limits.

(4) An elector shall be entered in the roll for any one area in which he has a place of residence.

(5) In the City of Bombay, the municipal district of Karachi, the cantonments of Karachi and Manora and within the Karachi Port Trust limits, the roll shall be prepared in *English*, and elsewhere the roll shall be prepared in Sind in *Sindhi*; in the Northern Division (excluding Thana and Bombay Suburban districts) in *Gujarati*, in the Central Division, in the districts of Thana, Bombay Suburban, Kolaba and Ratnagiri, in the talukas of Belgaum, Khanapur and Chikodi in the Belgaum District and in the Supa Petha of the Kanara District in *Marathi*, and in the Southern Division (save as hereinbefore provided) in *Kanarese*.

2 (1) On or before such date as may be appointed by the Local Government in this behalf, a copy of the electoral roll for each Constituency shall be published at the headquarters office of the Returning Officer.

(2) On or before the aforesaid date, rolls for the City of Bombay shall be published at the headquarters office of the Collector of Bombay and those for the municipal district of Karachi, the cantonments of Karachi and Manora and the Karachi Port Trust limits, at the headquarters office of the Collector of Karachi, and elsewhere, there shall be published on or before the aforesaid date at the headquarters office of each district, taluka and mahal in the Constituency the parts of the roll relating to such area, and at the headquarters office of each municipal, cantonment and notified area in the Constituency the part of the roll relating to the taluka or mahal in which such area is included.

(3) The parts and copies so published shall remain open to inspection during the period allowed for lodging objections.

3. (1) At the time of publishing the roll and the parts thereof, a notice shall be published in like manner in Form II appended to these regulations, calling upon persons entered in the roll to lodge in the manner herein prescribed any objection they may have to make to the roll as published, and upon persons claiming to be entered in the roll, to lodge their claim in the manner herein prescribed. A claim or objection may be lodged in the prescribed manner on behalf of the Collector in respect of any entry or omission in the roll.

(2) Such claim or objection shall be made in writing and shall specify the Constituency in question, the grounds on which the right of any person to be entered in the roll is asserted or denied; the evidence which the claimant or objector intends to lead, the address of the claimant or objector, his number, if any, in the electoral roll and the area in the roll for which he is entered, and, in the case of an objection, the number in the electoral roll of the person to whose entry objection is taken and the area in the roll for which he is entered.

(3) Four copies of the claim or objection shall be delivered or sent by post so as to reach the office of the judge authorised to receive the claim or objection under these regulations on or before the tenth day from the publication of the roll, excluding the day of such publication.

(4) A claim or objection, which is lodged otherwise than in the manner herein prescribed or by a person not entitled to lodge the same, shall be rejected.

**Revising  
Authority :  
Powers and  
Procedure.**

4. (1) Claims and objections relating to the roll for the City of Bombay shall be received by the Chief Judge of the Court of Small Causes, Bombay, those relating to the district of Karachi by the Judge of the Court of Small Causes, Karachi, and those relating to any other area by the District Judge within whose jurisdiction the area is situate.

(2) The judge on receipt of a claim or objection lodged in the manner herein prescribed and by a person entitled to lodge such claim or objection, shall fix a date and place for hearing the same, and shall give notice of such date and place to the claimant or objector; the Collector who prepared the roll shall be made a party to such claim or objection, if not already a party thereto, and shall be supplied with a copy of the claim or objection and with notice of the date and place fixed for hearing. Where objection is taken to the entry of any person on the register, a copy of the objection with notice of the date and place fixed for hearing shall be sent to such person. A copy of the claim or objection with notice of the date and place fixed for hearing shall be placed on the judge's notice board.

(3) Where any copy or notice is to be sent under sub-regulation (2), such copy or notice shall be sent by post to a claimant or objector to the address given in the claim or objection, and to a person to the entry of whose name objection is taken, to the address given in the electoral roll; a copy or notice so sent shall be deemed to have been duly served.

(4) The parties shall produce the evidence on which they rely before the judge.

(5) Where a claim or objection is based upon any right, title or interest in any thing, and such right, title or interest is disputed, if the judge is of opinion that the dispute cannot be determined summarily but should be adjudicated upon by a civil court, he shall reject such claim or objection.

(6) The judge after hearing the evidence, if any, adduced on behalf of the parties and after such further inquiry as he may deem necessary, shall pass orders on the claim or objection.

(7) The judge shall forthwith send a copy of his order to the Collector.

(8) The judge may transfer any claim or objection for hearing, in the case of the District Judge to any Joint or Assistant Judge appointed to serve within his jurisdiction, in the case of the Chief Judge of the Court of Small Causes, Bombay, to a Small Cause Court Judge in Bombay, and in the case of the Judge of the Court of Small Causes, Karachi, to a Subordinate Judge having jurisdiction within the local limits of the jurisdiction of the judge making such transfer, or may appoint such number of practising Advocates, Vakils or Pleaders, as he shall consider necessary in order to ensure the disposal, within a period of four weeks from the last date fixed for lodging claims and objections, of the claims and objections received.

5. (1) The Collector shall make such cancellations in, and shall prepare a list of such additions to, the roll for each Constituency, as may be required in accordance with the orders passed under regulation 4 of this Part; and where he is not the Returning Officer for the Constituency, shall forward copies of the amended roll and of the list of additions to the Returning Officer in time to allow of the amended roll and list being published on the appointed date in the manner prescribed in this regulation..

Amended  
Roll and  
List of  
Additions  
Publication.

(2) The list shall be prepared in the manner specified in regulation 1 (3) of this part.

(3) The amended roll and the list of additions shall be published in the manner prescribed in regulation 2 of this Part for the publication of the electoral roll, on or before such date as may be appointed by the local Government in this behalf.

6. The electoral roll of any Constituency as amended and supplemented by the list of additions shall be conclusive evidence for the purpose of determining whether any person is an elector in such Constituency.

Amended  
Roll  
conclusive  
proof.

7. In order to facilitate the preparation of the electoral roll under regulation 1 of this Part, the local Government may, by notification in the Gazette, direct that prior to the first publication prescribed by regulation 2 of this Part there shall be a preliminary publication by the Collector, of the electoral roll for each constituency or part of a constituency included within his jurisdiction with notice that applications for enrolment submitted within

Preliminary  
publication  
of roll.

a period to be specified in the notice will be heard and decided by the Collector or other officer deputed by him in this behalf. The roll shall then, on the expiry of the above period, be revised before publication under regulation 2 of this Part.

### PART III.—*Nomination of Candidates.*

**Nomination papers.**

1. Nomination papers in the form prescribed by rule 11 (3) of the rules shall be supplied by the Collector to any elector asking for the same.

**Scrutiny of nomination papers.**

2. On the date appointed by the local Government for the scrutiny of nominations under sub-rule (2) of rule 11, the candidates, their election agents, one proposer and one seconder of each candidate, and one other person duly authorised in writing by each candidate, but no other person, may attend at such time and place as the Returning Officer may appoint, and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner prescribed in rule 11

**Disposal of objections :  
Rejection of nomination**

3 (1) The Returning Officer shall examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, refuse any nomination on any of the following grounds.—

- (i) that the candidate is ineligible for election under rule 5 or rule 6,
- (ii) that a proposer or seconder is disqualified from subscribing a nomination paper under sub-rule (4) of rule 11;
- (iii) that there has been any failure to comply with any of the provisions of rule 11 or rule 12;
- (iv) that the candidate or any proposer or seconder is not identical with the person whose electoral number is given in the nomination paper as the number of such candidate, proposer or seconder, as the case may be;
- (v) that the signature of the candidate or of any proposer or seconder is not genuine or has been obtained by fraud.

(2) For the purpose of this regulation,—

- (a) the production of any certified copy of an entry made in the electoral roll of any constituency shall be conclusive evidence of the right of any elector named in that entry to stand for election or to subscribe a nomination paper, as the case may be, unless it is proved that the candidate is disqualified under rule 5 or rule 6 or, as the case may be, that the proposer or seconder is disqualified under sub-rule (4) of rule 11, and

(b) where a person has subscribed whether as proposer or seconder a larger number of nomination papers than there are vacancies to be filled, those of the papers so subscribed which have been first received, up to the number of vacancies to be filled, shall be deemed to be valid.

(3) Nothing contained in clause (ii), clause (iii), clause (iv) or clause (v) of sub-regulation (1) shall be deemed to authorise the refusal of the nomination of any candidate on the ground of any irregularity in respect of nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

4. (1) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection. Completion of scrutiny

(2) The scrutiny shall be completed on the day appointed in this behalf under clause (b) of sub-rule (2) of rule 11, and no adjournment of the proceedings shall be allowed.

5. On completion of the scrutiny of nominations and after the expiry of the period within which candidatures may be withdrawn under sub-rule (8) of rule 11, the Returning Officer shall forthwith prepare a list of valid nominations and cause it to be affixed in some conspicuous place in his office. Preparation of list of valid nominations.

6. (1) If the number of duly nominated candidates is greater than the number of vacancies, the Returning Officer shall forthwith publish in the Gazette, and in such other manner as the local Government may prescribe and in such places in the constituency as he may consider necessary, the names of the candidates as given in the nomination papers in alphabetical order. Publication of names of candidates : supply of ballot papers.

#### PART IV.—*Voting in all Constituencies other than the Bombay Chamber of Commerce Constituency.*

1. (1) The Returning Officer shall not less than fourteen clear days before the date fixed for the counting of votes deliver to each elector, or despatch to each elector by registered post to the address shown in the electoral roll a ballot paper with counterfoil attached. Despatch of ballot papers. Form of ballot papers.

(2) The ballot paper shall be in Form 1 appended.

2. (1) The elector shall sign the counterfoil of the ballot paper in the presence of a gazetted Revenue or judicial officer, or of a Magistrate or a Justice of the Peace who shall sign the certificate on the counterfoil. Voting.

(2) The elector shall place a cross against the name of the candidate for whom he wishes to vote; and in the Bombay (Non-Muhammadan) Constituency may accumulate his votes on one candidate or distribute them by placing the requisite number of crosses against the names of the candidates.

Return of  
ballot  
paper.

(3) The elector shall then send the ballot paper to the Returning Officer by registered post so as to reach his headquarters office before the day appointed for the counting of votes.

Counterfoils  
examined  
and  
detached.

(4) (a) The Returning Officer shall, on receipt of the ballot paper, examine it, and if its counterfoil is incomplete or has been wrongly filled in or has not been properly attested, may reject the ballot paper, or, if there is sufficient time, may return it to the elector for being completed or may cancel it and issue a fresh one to the elector, who shall return it to the Returning Officer by registered post so as to reach his headquarters office before the day appointed for the counting of votes. If such ballot paper is not received by the Returning Officer before the day appointed for the counting of votes it shall be rejected.

If the counterfoil of the ballot paper has been duly filled in and attested, the Returning Officer shall, on receipt of the ballot paper, tear off the counterfoil and shall place the counterfoil and ballot paper in separate packets.

(b) All voting papers cancelled as above shall be considered as spoilt ballot papers and shall be placed in a separate packet.

*PART V.—Counting of Votes in all Constituencies other than the Bombay Chamber of Commerce Constituency.*

Appointment  
of date, time  
and place for  
the counting  
of votes.

1. The Returning Officer shall give notice in writing to all candidates and election agents of the date, time and place appointed by the local Government for the counting of votes.

Who may be  
present at  
the counting  
of votes.

2. (1) No person shall be allowed to be present at the counting of the votes except the Returning Officer and such persons as he may appoint to assist him in counting of the votes, and such other persons, as have a right to be present under sub-rule (6) of rule 14.

(2) No person shall be appointed to assist in counting the votes who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

Scrutiny of  
votes :  
Rejection  
of invalid  
votes :  
Counting of  
votes :  
Suspension  
of counting  
of votes.

3. On the day and at the time appointed under regulation 1 of this Part, the Returning Officer shall, before he commences to count the votes, read the provisions of section 14 of the Indian Election Offences and Inquiries Act, 1920, to such persons as may be present and shall then proceed as follows:—

(a) The Returning Officer shall open the packet of ballot papers and separate the ballot papers which he deems valid from those which he wholly or partially rejects endorsing on the latter the word "rejected".

- (b) The Returning Officer shall allow the candidates and their agents reasonable opportunity to inspect, without handling the ballot papers, and if any candidate or agent questions the correctness of the rejection of any ballot paper, the Returning Officer shall record on such ballot paper the grounds for the rejection. No candidate or agent shall be allowed to see the serial number on the back of any ballot paper.
- (c) The Returning Officer shall then proceed to count the valid votes given to each candidate, and shall declare the election of the candidate or candidates to whom most valid votes have been given.
- (d) The Returning Officer shall, as far as practicable, proceed continuously with the counting of the votes ; and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets and other documents relating to the election under his own seal and the seals of such candidates or agents as may desire to affix them, and shall cause adequate precautions to be taken for their custody.

4. (1) A ballot paper shall be rejected if—

Grounds of  
rejection of  
ballot paper.

- (a) the number of votes recorded thereon exceeds the number of vacancies to be filled,
- (b) no vote is recorded thereon,
- (c) it is void for uncertainty,
- (d) it bears any mark by which the elector can be identified.

(2) The decision of the Returning Officer as to the validity of a ballot paper shall be final, subject only to reversal on an election petition claiming the seat.

5. The Returning Officer shall, upon completion of the counting, seal up in separate packets, endorsing on each a description of its contents, the counterfoils, the ballot papers counted for each candidate [ in the case of the Bombay (Non-Muhammadan) constituency, all the valid ballot papers ] and the rejected ballot papers. Verification.

6. The Returning Officer shall then prepare and certify a return setting forth— Return.

- (a) the names of the candidates for whom valid votes have been given ;
- (b) the number of valid votes given for each candidate ;
- (c) the number of votes declared invalid ,

and shall permit any candidate or any representative duly authorised under sub-rule (6) of rule 14 to have a copy of, or an extract from, such return.

PART VI.—*Disposal of Ballot Papers.***Custody of  
Election  
Papers.**

1. The Returning Officer shall, after reporting the result under rule 14 to the Secretary to the Government of India in the Legislative Department, retain in his custody the return and the packets referred to in Part V, regulation 5, and all other documents relating to the election.

**Production  
and  
Inspection  
of Election  
Papers.**

2. (1) While in the custody of the Returning Officer the packets of ballot papers whether counted or rejected and of the counterfoils thereof, shall not be opened and their contents shall not be inspected or produced except—

- (a) under the orders of a competent Court or of Election Commissioners ;
- (b) after the expiry of the period allowed for lodging petitions or, if any petition is lodged, after such petition has been disposed of, under the orders of the Secretary to the Government of India in the Legislative Department.

(2) All other documents relating to an election in the custody of the Returning Officer shall be open to public inspection.

PART VII.—*Election in the Bombay Chamber of Commerce Constituency***Bombay  
Chamber of  
Commerce  
Constituency.**

1. In the Bombay Chamber of Commerce Constituency—

- (a) the Returning Officer shall prepare one roll for the Constituency ;
- (b) the roll shall be prepared in *English* ;
- (c) the electoral roll shall be published at the headquarters office of the Chamber, or such other place in lieu thereof as the local Government may, by notification in this behalf, appoint ;
- (d) claims and objections in respect of the electoral roll shall be received by the Chief Judge of the Court of Small Causes, Bombay ;
- (e) four copies of the complaint or objection shall be delivered or sent by post so as to reach the office of the Judge authorised to receive the complaint or objection on or before the third day from the publication of the roll, excluding the day of such publication ;
- (f) the Returning Officer shall be made a party to any claim or objection in lieu of the Collector ;

- (g) claims or objections shall be disposed of within a period of seven days from the last date fixed for lodging claims or objections ;
- (h) the Judge deciding a claim or objection shall send a copy of his order to the Returning Officer in lieu of the Collector ;
- (i) the amended roll and list of additions shall be prepared by the Returning Officer ;
- (j) a nomination paper shall be presented to the Returning Officer at the headquarters office of the Chamber or such other place in lieu thereof as the local Government may, by notification in this behalf, appoint ;
- (k) the scrutiny of nomination papers shall take place at the headquarters office of the Chamber or such other place in lieu thereof as the local Government may, by notification in this behalf, appoint ;
- (l) ballot papers shall be in Form I-A appended ;
- (m) there shall be only one polling station which shall be the headquarters office of the Chamber or such other place in lieu thereof as the local Government may, by notification in this behalf, appoint ;
- (n) the Returning Officer shall provide a ballot box which shall on the day appointed for voting and before the commencement of the poll be shown open to such candidates or their authorised agents as may be present ; the box shall then be locked and sealed and shall be kept in the presence of the Returning Officer throughout the course of the poll. Before a ballot paper is delivered to an elector, the latter shall sign the counterfoil and the Returning Officer shall mark off on a copy of the electoral roll the number of the elector in token that the latter has received a ballot paper. The elector after marking and folding his ballot paper in such a way as to conceal his vote shall place the ballot paper in the ballot box. At the close of the poll the Returning Officer shall seal the ballot box so as to prevent the withdrawal or insertion of any ballot papers. Any candidate present may also affix his seal ;
- (o) on the date appointed for the counting of votes the Returning Officer shall proceed in the manner prescribed in Part V.

2. Save as herein provided, the provisions of these regulations shall apply to an election in the said constituency.

**PART VIII.—Safe Custody, Preservation, Inspection, and Production  
of Election papers.**

**Custody,  
etc., of  
Papers.**

1. (1) The papers mentioned in column 1 of the Schedule hereto annexed shall be kept by the officers mentioned in the second column, for the period specified in the third column thereof, provided that entries 1 and 3 shall not apply to the Bombay Chamber of Commerce Constituency.

(2) Three copies each of the preliminary and final electoral rolls of the Bombay Chamber of Commerce Constituency shall be kept by the Returning Officer thereof. The said rolls shall not be destroyed until after the final publication of a fresh electoral roll.

(3) The papers mentioned in paragraph (2) and in entries 1, 3, 4(a), (b), (c) and 6 of the Schedule hereto, shall be open to inspection by the public.

**SCHEDULE.**

Description of document or record.	By whom kept	Period for which kept.
1. Preliminary Electoral Rolls published under regulation 2 (1) of Part II (3 copies of each roll).	The Collector of the district to which any part of the roll relates, in respect of that part.	One year.
2. Claims or objections to registration made under regulation 3 (2) of Part II or regulation 1 (1) (d) of Part VII, and the order of the revising authority thereon.	The authority authorised to receive the same	One year.
3. Final Electoral Rolls (3 copies of each roll)	The Collector of the district to which any part of the roll relates in respect of that part	Until the final publication of a fresh or revised electoral roll.
4. The following miscellaneous papers :—  (a) Nomination papers.  (b) Declarations of appointment of agents and cancellations thereof.	The Returning Officer of the constituency concerned.	One year.

Description of document or record.	By whom kept.	Period for which kept.
(c) Withdrawals of candidates.		
(d) The papers mentioned in regulations 5 and 6 of Part V.		
5. Returns of election expenses lodged by candidates under rule 19 (I) of the Council of State Electoral Rules.	The Returning Officer with whom they are lodged.	One year.
6. Election petitions presented under rule 32 of the Council of State Electoral Rules, the findings of the Commissioners thereon, and the evidence recorded.	The Secretary to the Legislative Department of the Government of India.	Three years.

## FORM I.

*Form of Ballot Paper.*

*N.B.*—To be used in elections in constituencies other than the Bombay Chamber of Commerce Constituency.

	Here print name of constituency.		
	No.	Name of Candidate.	Cross.
1. Here print name of Constituency.			
2. No. of the elector on the electoral roll, and name of the District and Taluka.			
3. Name of the elector as on the electoral roll.			
4. Signature of elector.			
5. Certificate :— Signed in my presence by the elector who— is known to me. has been identified to my satisfaction.			
6. (Signature and designation).			

(To be printed on reverse of outerfoil of ballot paper).

1. You have  $\frac{3 \text{ votes}}{1 \text{ vote}}$ .
2. Vote by putting  $\frac{\text{as many crosses as you desire up to } 3}{\text{a cross}}$  opposite the  $\frac{\text{names}}{\text{name}}$  of the  $\frac{\text{candidates}}{\text{candidate}}$  for whom you desire to vote.
3. You must not put more than  $\frac{3 \text{ crosses in all}}{\text{one cross}}$  on the ballot paper.
4. The counterfoil must be filled up before you vote.

[The upper alternative line being inserted in the Bombay (Non-Muhammadian) Constituency Ballot papers.]

(To be printed on reverse of both counterfoil and outerfoil of ballot paper).

No.

No.

#### FORM I-A.

#### *Form of Ballot Paper.*

**N.B.**—To be used in elections in the Bombay Chamber of Commerce Constituency.

COUNCIL OF STATE.	NAME OF CONSTITUENCY.		
	Serial No.	Name of candidate.	Cross.
1. Constituency, Bombay Chamber of Commerce.	1	A. B.	..
2. No. of elector in electoral roll . . .	2	C. D.	..
3. Name of Elector . . . . .	3	E. F.	..
4. Signature of identifier (if any) . . .	etc.	etc.	..

No.

No.

To be printed on

the reverse at the foot.

*(To be printed on the reverse of the outerfoil of the ballot paper.)*

1. You have one vote.
2. Put a cross opposite the name of the candidate for whom you wish to vote.
3. You must not put more than one cross on the voting paper.

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## FORM II.

**Notice.**—Under regulation 3 (1), Part II of the Council of State Electoral Regulations.

1. (a) The electoral rolls of the following Constituencies for the \* of ..... are hereby published in accordance with regulation 2, Part II :—

The ..... Muhammadan Constituency.

The ..... Bombay Non-Muhammadan Constituency.

(b) The electoral rolls of the following Constituencies are not published in this area because there are no persons qualified to vote in them in this area :—

The ..... Muhammadan Constituency.

The ..... Bombay Non-Muhammadan Constituency.

*N. B.*—A full statement of the qualifications for each Constituency can be seen at the Taluka Kacheri.

2. Any person entered on the roll who objects to any entry in the roll or any person claiming to be entered in the roll should lodge his claim or objection in the following manner :—

- (a) Such claim or objection shall be made in writing and shall specify the Constituency in question, the grounds on which the right of any person to be entered in the roll is asserted or denied, the evidence which the claimant or objector intends to lead, the address of the claimant or objector, his number, if any, in the electoral roll and the area in the roll for which he is entered and in the case of any objection, the number in the electoral roll of the person to whose entry objection is taken and the area in the roll for which he is entered.

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\* Here specify area

NOTES—(1) Non-relevant entries in (a) and (b) should be cancelled.

The cancellation will be a terrace, i.e., those entries which are cut out in paragraph (a) will stand in paragraph (b) and vice versa.

(b) Four copies of the claim or objection shall be delivered or sent by post so as to reach the office of the judge authorised to receive the claim or objection under the regulations on or before the tenth day from the publication of the roll excluding the day of such publication.

(c) A claim or objection which is not lodged in the manner herein prescribed or by a person not entitled to lodge the same, shall be rejected.

3. Claims and objections relating to the roll for the City of Bombay, shall be received by the Chief Judge of the Court of Small Causes, Bombay, those relating to the district of Karachi by the Judge of the Court of Small Causes, Karachi, and those relating to any other area by the District Judge within whose jurisdiction the area is situate.

### III.—Bengal.

NOTE.—

<i>Constituencies.</i>	<i>No. of members.</i>
<i>Non-Muhammadan</i> . . . . .	3
<i>Muhammadan</i> . . . . .	2
<i>Commerce (European)</i> . . . . .	1

**Council of State Bengal Electoral Regulations (Legislative Department Notification No 199, dated the 6th September 1923 as amended by Notification No. 45, dated the 9th February, 1924).**

#### *Regulations for the Election of Members to the Council of State from Bengal*

1. In these regulations, which may be called the Council of State **Definitions.** (Bengal) Electoral Regulations,—

- (1) “revising authority” means such person as the returning officer may appoint in writing to perform all or any of the duties of the revising authority under these regulations in respect of any constituency or part of a constituency ;
- (2) “attesting officer” means such officer as the local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the attesting officer under these regulations, and includes any officer deputed for the time being to perform his duties by the attesting officer, by an order in writing, of which a copy shall be sent to the returning officer ;
- (3) “rule” means a rule included in the Council of State Electoral Rules.

#### *The appointment of a Returning Officer.*

2. The returning officers for the constituencies mentioned in the first column of the Schedule hereto annexed shall be the persons respectively specified in the corresponding entry in the second column thereof.

3. (1) The persons specified in the third column of the said Schedule may, subject to the control of the returning officer, perform all or any of the functions of the returning officer in the constituencies respectively specified in the corresponding entry in the first column thereof :

Provided that no such person shall perform any of the functions of a returning officer which relate to the acceptance of a nomination paper or to the scrutiny of nominations or to the counting of votes, unless the returning officer is unavoidably prevented from performing the same, in which case the said functions may be performed in any constituency by a person specified in the corresponding entry in the third column of that Schedule.

(2) References to the returning officer in these regulations shall, unless a contrary intention appears, be deemed to include any person when performing any duty or function which he is authorised to perform under sub-regulation (1).

*Preparation of election roll.*

4. The electoral roll of each constituency shall be prepared by such officer (hereinafter referred to as the registering authority) as the local Government may, by notification in the local official Gazette, appoint.

5. For the purpose of preparing the electoral roll, the registering authority may employ such agency as he thinks fit.

6. The electoral roll of each constituency shall be prepared in such form and in such language as may be prescribed by the local Government.

7. The registering authority may divide a constituency into electoral areas for the purpose of facilitating the preparation of the electoral roll, and so much of the roll as relates to an electoral area may be separately prepared.

8. The electoral roll of every constituency specified below shall be published by the registering authority in the manner noted under each :—

(1) a Muhammadan or non-Muhammadan constituency :—

- (a) so much of the roll as relates to each district, at the office of the Magistrate of the district ;
- (b) so much of the roll as relates to Calcutta, at the office of the Chief Executive Officer, Calcutta Corporation ;
- (c) a complete copy of the roll, at the office of the registering authority and the returning officer.

(2) The Bengal Chamber of Commerce constituency :—

a complete copy of the roll, at the office of the registering authority and the returning officer.

9. A notice shall be published, together with the electoral roll, when published under Regulation 8, specifying for each electoral area the revising authority to whom, the place at which, and the period referred to in Regulation 10 within which claims for being included in the electoral roll, or objections to any names entered in the roll, are to be preferred.

All such claims and objections shall be addressed to the Revising authority and shall be presented to the registering authority or to the District Magistrate of the district to which the claimant or objector belongs or direct to the revising authority.

10. All such claims and objections to the roll shall be made in writing on the lines of the specimen forms IV and V annexed hereto within thirty days from the date of the publication of the roll under Regulation 8 and where objection is made to the inclusion in the roll of any person whose name appears therein, shall contain in respect of such person all the particulars entered in the roll :

Provided that if it appears necessary for the proper preparation of the roll, the local Government may, by notification in the local official gazette, prescribe a longer period within which claims and objections shall be preferred in respect of the electoral roll of any constituency. A claim shall be signed by the person desiring his name to be included in an electoral roll and shall be presented either by himself personally or through an agent authorised in writing.

No person shall prefer an objection to the inclusion of any name on the roll of a constituency unless his name is already entered in the roll of that constituency. Applications for the transfer of a name from the roll of one constituency to that of another constituency are inadmissible. If any person desires such a transfer he shall prefer an objection to the inclusion of his name in the one roll and a second and separate claim for the inclusion of his name in the other roll

10A. (1) The registering authority shall, within the period prescribed in regulation 10, make an application to the revising authority for the making of any corrections in the roll—such as the removal of duplicate entries, or the expunging of the names of persons who are dead or subject to any legal incapacity—which he considers necessary to the production of a complete and accurate roll.

(2) Except where such application is for the correction of a clerical or printing error, the revising authority shall serve on each of the persons affected by the application a notice specifying the correction which it is proposed to make in the roll and the place where and the time when objections to the proposed correction will be heard.

11. The revising authority shall not entertain any claim or objection received after the time referred to in Regulation 10.

12. A register of all claims and objections shall be maintained by the registering authority, by each district magistrate and by each revising authority. Every person whose claim or objection is received in time shall be served with a notice by the revising authority specifying the place where and the time when his claim or objection will be heard, and directing him to be present with such evidence as he may wish to adduce.

13. When objection is made by any person whose name is on the roll to the inclusion of the name of any other person recorded therein, the revising authority shall serve on such other person a notice giving the grounds on which the inclusion of his name has been objected to, and requiring him to attend with such evidence as he may wish to adduce at the place and time fixed for the hearing of the objection.

14. Every notice issued by the revising authority shall, if possible, be served personally, and, in default of personal service, shall be served by affixing a copy thereof at the residence within the constituency of the person concerned :

Provided that a notice may be served by the revising authority by sending it to the person concerned by registered post. A certificate of service, either personal or otherwise, shall be deemed to be conclusive proof of the fact of such service.

15. At the time fixed for the hearing, the revising authority shall hold a summary inquiry into the claim or objection preferred and shall record his decision. He shall also, after considering any verbal or written objections that may be preferred, decide on any application made by the registering authority for corrections to the roll. For the purpose of the inquiry the roll as published under Regulation 8 shall be presumed to be correct and complete until the contrary has been proved. No party shall be represented by any legal practitioner at any proceeding under this regulation.

16. The decision of the revising authority shall be communicated by him to the registering authority, who shall cause the roll to be altered in accordance therewith. The revising authority shall also direct the registering authority to correct any clerical or printing errors which he may himself discover in the roll.

17. The electoral roll so altered shall be published in the manner prescribed in Regulation 8, and provision may be made for the sale of copies of the roll to the public.

18. Applications under sub-rule (6) of rule 9 for amendment of any electoral roll published under Regulation 17 may be made to the registering authority for the constituency concerned. The registering authority shall forward them to the local Government, and, in cases where the Governor General in Council to whom the applications shall be transmitted by the Local Government directs the preparation of a list of amendments, shall deal with such applications in the manner prescribed in Regulations 12 to 17 for the treatment of claims and objections :

Provided that, where any such application is made for the correction of any existing entry in the electoral roll and the registering authority is satisfied after personally hearing the applicant that the entry relating to him is erroneous or defective in any particular, he may amend the roll or cause it to be amended accordingly.

*Scrutiny of nominations.*

19. On the date appointed by the Local Government for the scrutiny of nominations under sub-rule (2) of rule 11, the candidates, their election agents, one proposer and one seconder of each candidate, and one other person duly authorised in writing by each candidate, but no other person, may attend at such time and place as the returning officer may appoint, and the returning officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner prescribed in rule 11.

20. (1) The returning officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, refuse any nomination on any of the following grounds :—

- (i) that the candidate is ineligible for election under rule 5 or rule 6 ; or
- (ii) that a proposer or seconder is disqualified from subscribing a nomination paper under sub-rule (4) of rule 11 ; or
- (iii) that there has been any failure to comply with any of the provisions of rule 11 or rule 12 ; or
- (iv) that the candidate or any proposer or seconder is not identical with the person whose electoral number is given in the nomination paper as the number of such candidate, proposer or seconder, as the case may be ; or
- (v) that the signature of the candidate or any proposer or seconder is not genuine or has been obtained by fraud.

(2) For the purposes of this regulation —

(a) the production of any certified copy of an entry made in the electoral roll of any constituency shall be conclusive evidence of the right of any elector named in that entry to stand for election or to subscribe a nomination paper, as the case may be, unless it is proved that the candidate is disqualified under rule 5 or rule 6, or that the proposer or seconder, as the case may be, is disqualified under sub-rule (4) of rule 11, and

(b) where a person has subscribed whether as proposer or seconder a larger number of nomination papers than there are vacancies to be filled, those of the papers so subscribed which have been first received, up to the number of vacancies to be filled, shall be deemed to be valid.

(3) Nothing contained in clause (ii), clause (iii), clause (iv) or clause (v) of sub-regulation (1) shall be deemed to authorise the refusal of the nomination of any candidate on the ground of any

irregularity in respect of a nomination paper if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed

21. (1) The returning officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(2) The scrutiny shall be completed on the day appointed in this behalf under clause (b) of sub-rule (2) of rule 11, and no adjournment of the proceedings shall be allowed.

22. On completion of the scrutiny of nominations and after the expiry of the period within which candidatures may be withdrawn under sub-rule (8) of rule 11, the returning officer shall forthwith prepare a list of valid nominations and cause it to be affixed in some conspicuous place in his office.

23. If the number of duly nominated candidates is greater than the number of vacancies, the returning officer shall forthwith publish in the local official Gazette, and in such other manner as the local Government may prescribe, and in such places in the constituency as he may consider necessary, the names of the candidates as given in the nomination papers in alphabetical order.

#### *Voting.*

24. The local Government shall appoint and shall notify in the local official Gazette the date before which the votes in any general constituency shall be recorded.

25. On or before such date as may be appointed by the local Government in this behalf, the returning officer shall send by registered post to each elector a ballot paper in Form I annexed to these regulations, together with an intimation of the date appointed by him for the counting of votes, and shall enter on the counterfoil of each ballot paper the name of the elector to whom the ballot paper is sent. The ballot paper, together with such intimation, shall be sent to the address of the elector as shown in the electoral roll.

26. On or before such date as may be appointed by the local Government in this behalf, but not later than 5 P. M. on that date, each elector desirous of recording his vote shall sign the declaration on the back of the ballot paper in the presence and at the office of an attesting officer, and the attesting officer shall thereupon attest his signature.

27. The elector shall then proceed to a place set apart for that purpose by the attesting officer, and screened from observation, and there shall record his vote on the ballot paper in accordance with the instructions contained therein, and after placing the ballot paper in an envelope, and closing the same, shall deliver it to the attesting officer.

28. If an elector is unable to read or write, or by reason of some physical defect is incapacitated from recording his vote, the attesting officer shall assist him in such manner as may be necessary to mark the ballot paper and to sign the declaration thereon.

29. The attesting officer shall, as soon as possible after 5 p.m. of the day appointed as the latest date for the attestation of ballot papers, despatch all the envelopes so delivered to him to the returning officer by registered post in a packet securely sealed with his official seal, and shall also enclose a list in Form II annexed to these regulations, of the electors whose ballot papers he has attested.

30. A ballot paper that is not duly attested or marked, or on which more than one mark is placed against any candidate's name or on which votes are given to more candidates than there are members to be elected, or on which a mark is placed in such a manner as to render it doubtful to which candidate it has been given, shall be invalid.

30A. When a ballot paper sent by post under regulation 25 is for any reason returned undelivered, the returning officer may re-issue it by registered post or himself hand it over to the voter on his personally applying for the same, but duplicate ballot papers shall not be issued except in cases where a voter has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as such. In such cases the voter may, on delivering it personally to the returning officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoiled paper and the latter shall with its counterfoil be marked as cancelled.

31. (1) The returning officer shall appoint a date, time and place for the counting of votes, and shall give notice thereof in writing to the candidates. If at the time appointed, the returning officer, from any unavoidable cause is unable to proceed with the counting of votes, he shall postpone the counting to some other time and date and shall give notice thereof in writing to the candidates and election agents.

(2) On the day and at the time appointed the returning officer shall read the provisions of section 14 of the Indian Election Offences and Inquiries Act, 1920, to such persons as may be present and shall fold the lower portion of every ballot paper along the dotted line on the back so as to conceal the names of the elector and of the attesting officer, and should seal down the portion thus folded with the official seal and thereafter shall—

- (a) after scrutiny, separate or cause to be separated the ballot papers which he deems valid from those which he rejects, endorsing on the latter the word "rejected" and the ground of rejection;
- (b) count, or cause to be counted, the votes given to each candidate and declare the candidate or candidates, with the largest number of votes to be elected;

(c) upon the completion of the counting, prepare and certify a return setting forth—

(i) the number of valid votes given for each candidate ;

(ii) the number of votes declared invalid and rejected ;

(iii) the names of the persons declared elected ;

(d) permit any candidate or his agent duly authorised by him in writing to take a copy of, or an extract from, the return ;

(e) seal up in separate packets the counted and rejected ballot papers, and record on each such packet a description of its contents and the name of the constituency and the date of the election to which it refers.

32. The local Government shall appoint and notify in such manner as it thinks fit the date referred to in Regulation 25 for sending ballot papers to electors and the date referred to in Regulation 26 for the attestation of ballot papers.

33. (1) The returning officer shall, after reporting the result of the election under rule 14, forward the return to the Secretary to the Government of Bengal in the Legislative Department.

(3) With the exception of the packets and documents mentioned in regulation 42, all papers relating to the election shall be kept in the custody of the returning officer himself ; provided that in the case of the Bengal Chamber of Commerce constituency, all such papers shall be forwarded to the Commissioner of the Presidency Division.

(3) The packets and documents mentioned in regulation 42 shall be disposed of by the returning officer in the manner set out in the said regulation and shall be forwarded by him direct to the places and authorities mentioned therein.

34. (1) While in the custody of the returning officers or the Commissioner of the Presidency Division, the packets of ballot papers whether counted, rejected or tendered, and of the counter-foils thereof shall not be opened and their contents shall not be inspected or produced except under the order of a competent Court, or of Commissioners appointed to hold an inquiry in respect of an election, but all other documents relating to the election shall be open to public inspection subject to such conditions and to the payment of such fee, if any, as the Local Government may impose.

(2) Copies of returns by the returning officer shall be furnished by the Secretary to the Government of Bengal in the Legislative Department. on payment of a fee of Rs. 2 for each copy.

Copies of returns by the Returning Officer shall be furnished by the Secretary to the Bengal Legislative Council on payment of a fee of Rs. 2 each.

35. The packets aforesaid shall be retained for a period of one year and shall thereafter be destroyed subject to any direction to the contrary made by the local Government, or by a competent Court or by Commissioners appointed to hold an inquiry in respect of an election.

*Special Regulations applicable to the Bengal Chamber of Commerce Constituency.*

36. In the case of an election for the Bengal Chamber of Commerce constituency the Regulations 24 to 32 inclusive shall not be applicable, and the following Regulations 37 to 41 inclusive shall be substituted therefor and shall apply.

37. On or before the date fixed in this behalf by the local Government, the returning officer shall send by registered post to each elector a ballot paper, together with an intimation of the date appointed by him for the counting of votes and shall enter on the counterfoil of each ballot paper the name of the elector to whom the ballot paper is sent.

- The ballot paper, together with such intimation, shall be sent to the latest known address of the elector as registered in the office of the Bengal Chamber of Commerce.

The form of the ballot paper shall be in Form III annexed to these regulations.

38. Any elector may send his ballot paper to the returning officer after recording his vote thereon in accordance with the instructions on the ballot paper; provided that voting papers which are not received by the returning officer before 5 P.M. on the day preceding the date fixed for the counting of votes shall be rejected.

39. Any ballot paper which is not duly marked, or on which more than one mark is placed against any candidate's name, or on which votes are given to more than one candidate, or on which a mark is placed in such a manner as to make it doubtful to which candidate it has been given, shall be invalid.

39A. When a ballot paper sent by post under regulation 37 is for any reason returned undelivered, the returning officer may re-issue it by registered post or himself hand it over to the voter on his personally applying for the same, but duplicate ballot papers shall not be issued except in cases where a voter has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as such. In such cases the voter may, on delivering it personally to the returning officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt paper and the latter shall with its counterfoil be marked as cancelled.

40. (1) The returning officer shall appoint a date, time and place for the counting of votes, and shall give notice thereof in writing to the candidates. If at the time appointed, the returning officer, from any unavoidable cause is unable to proceed with the counting of votes, he shall postpone the counting to some other time and date and shall give notice thereof in writing to the candidates and election agents

(2) On the day and at the time and place appointed the returning officer shall first of all read the provisions of section 14 of the Indian Elections Offences and Enquiries Act, 1920, to such persons as may be present and shall then—

- (a) after scrutiny, separate, or cause to be separated, the ballot papers which he deems valid from those which he rejects, endorsing on the latter the word rejected and the ground of rejection ,
- (b) count, or cause to be counted, the votes given to each candidate, and declare the candidate, or candidates, with the largest number of valid votes to be elected ,
- (c) upon the completion of counting, prepare and certify a return setting forth—
  - (i) the number of valid votes given for each candidate ;
  - (ii) the number of votes declared invalid and rejected ;
  - (iii) the name of the person declared elected ;
- (d) permit any candidate or representative duly authorised under sub-rule (6) of rule 14 to take a copy of, or an extract from, the return ; and
- (e) seal up in separate packets the counted and rejected ballot papers and record on each such packet a description of its contents and the name of the constituency and the date of the election to which it refers.

41. The local Government shall appoint and notify in such manner as it thinks fit the date referred to in Regulation 37.

*Custody and preservation of election papers.*

42. (1) The following rules shall be observed for the custody and preservation of the election papers enumerated below :—

- (i) Claims and objections with reference to the preliminary electoral rolls.
- (ii) Final electoral rolls.
- (iii) Nomination papers of candidates.
- (iv) Withdrawals from candidature.
- (v) Appointment letters of agents of candidates.
- (vi) Lists of candidates or candidates nominated.

(vii) Lists of ballot papers attested.

(viii) Election petitions and proceedings and reports of election Commissioners thereon

(ix) Returns of election expenses

(2) Papers relating to items (i) and (ii) of the above list shall, in the case of general constituencies, be kept in the office of the returning officers concerned and in respect of the Bengal Chamber of Commerce constituency in the record-room of the Bengal Secretariat. Papers relating to claims and objections decided by revising authorities shall be kept until the next revision of the electoral roll of the constituency to which they pertain has been completed, and shall then be destroyed. Papers relating to items (iii), (iv), (v) and (vi) shall, in the case of the general constituencies, be kept in the office of the returning officer and for the Bengal Chamber of Commerce constituency in the record-room of the Bengal Secretariat. They shall be preserved for a period of one year and shall then be destroyed, unless their retention for a longer period is otherwise ordered by competent authority.

(3) In the general constituencies two complete copies of the final electoral rolls for areas comprised within each district shall be deposited in the Collectorate. Two copies of all final electoral rolls for areas comprised within each division shall be kept in the office of the Commissioner and five copies of all final rolls in the office of the registering authority concerned. One complete copy of the electoral roll for each constituency shall also be kept for record in the Appointment Department of the Bengal Secretariat. In the Bengal Chamber of Commerce constituency two copies of the final electoral roll shall be preserved in the office of the registering authority, and one such copy shall be kept in the Appointment Department of the Bengal Secretariat.

(4) Copies of electoral rolls so deposited shall be preserved permanently and shall, before deposit, be duly authenticated by the registering authority

(5) Printed copies of electoral rolls in excess of the number required for permanent record shall be deposited in the offices of the registering authorities concerned in the case of general constituencies. Similar copies of rolls for the Bengal Chamber of Commerce constituency shall be preserved in the record-room of the Bengal Secretariat. Spare copies of electoral rolls so deposited shall be available for sale to the public for a period of three years from the date of publication, after which they will be sold as waste paper under orders of the authority with whom they are deposited.

(6) The election petitions and proceedings and reports of election Commissioners thereon shall be kept in the Legislative Department of the Government of India, and shall be destroyed after three years unless their retention for a longer period is ordered by the Secretary in the said Department.

(7) The returns of election expenses lodged with returning officers shall be kept by them for three years and shall then be destroyed, unless their retention for a longer period is otherwise ordered by competent authority.

(8) The public shall have a right to inspect the election papers enumerated above and to get attested copies thereof on payment of the fees prescribed in the Bengal Records Manual, 1917, and in the rules for the management of the Secretariat record-room. As an exception to this rule returns of election expenses shall be available for inspection at the offices of the returning officers of the constituencies concerned on payment of a fee of Re. 1 each, and copies of such returns shall be furnished on payment of a fee of Rs. 2 each.

*Special provision.*

43. If any question arises as to the interpretation of these regulations otherwise than in connection with an election inquiry held under the electoral rules, the question shall be referred for the decision of the Governor General, and his decision shall be final.

SCHEDULE.

(SEE REGULATIONS 2 AND 3).

*Returning Officers under the Council of State Electoral Regulations.*

Name of constituency.	Returning Officer.	Other persons authorised to perform the functions of Returning officer.
1. East Bengal (Non-Muhammadan).	Commissioner of the Dacca Division.	Personal Assistant to the Commissioner.
2. East Bengal (Muhammadan).	Ditto	Ditto.
3. West Bengal (Non-Muhammadan).	Commissioner of the Presidency Division.	Ditto.
4. West Bengal (Muhammadan).	.	Ditto.
5. Bengal Chamber of Commerce.	Secretary to the Bengal Chamber of Commerce.	Assistant Secretary to the Bengal Chamber of Commerce.

## FORM I.

(Regulation 25.)

Election for—

Constituency, 192 .

Ballot paper No.

Counterfoil  
No.

Datta, Birendra . . . .	
Datta, Sailendra Nath . . . .	
Ghosh, Sasanka . . . .	
Gupta, Tarapada . . . .	
Sen, Kishori Mohan . . . .	

*Instructions*

1. Ballot papers shall be presented for attestation to an attesting officer in his office not later than 5 P.M. on the day of 192 .

The following have been appointed attesting officers :—

All District Magistrates, all Judges, all Subordinate Judges, all Munsifs, the Chief Presidency Magistrate, Calcutta, other stipendiary Presidency Magistrates, the Municipal Magistrate, Calcutta, the Collector of Calcutta, the Deputy Commissioner, Jalpaiguri and Darjeeling, all Sub-divisional Magistrates, the Superintendent, Chittagong Hill Tracts, and the Political Agent, Tripura State.

The attesting officer shall attest the signature only of the voter but not of his vote, which should be not recorded in the presence of the attesting officer.

4. Votes may not be given to more candidates than there are members to be elected.

*Decision of Returning Officer.*

I hereby declare that I am the person whose name appears as No. \_\_\_\_\_ on the electoral roll for the \_\_\_\_\_ constituency of the Council of State.

Signed in my presence at my office by the elector, who is personally known to me [or who has been identified to my satisfaction by

*Attesting Officer.*

The following is a complete list of the electors whose ballot papers have been attested by me :—

*Dated the*

## FORM III.

*Form of Ballot Paper*

(Regulation 37.)

Election for the Bengal Chamber of Commerce Constituency,  
 19 Counterfoil Ballot paper No.  
 No.

Datta, Birendra . . . .	
Datta, Sailendra Nath . .	
Ghosh, Sasanka . . . .	
Ghosh, Tarapada . . . .	
Sen, Kishori Mohan . . . .	

*Signature of elector.**Address—**Instructions.*

1. The date appointed for the counting of votes is 19 , and ballot papers must be sent to the returning officer so as to reach him before that date
2. Not more than one vote may be given to any candidate.
3. A vote may not be given to more than one candidate.
4. Place a mark opposite the name of the candidate for whom you wish to vote.

## FORM IV.

(Regulation 10.)

*Claim.*

I claim to have my name inserted in the electoral roll for the .....constituency of the Council of State in respect of the qualification named below —

Name of claimant in full.	Father's name.	Place of residence or description of premises owned or occupied giving rise to qualifications.	Description of qualification claimed.	Post Office.

Signature.

Dated the            day of            19    .

## FORM V.

(Regulation 10.)

*Objection.*

I hereby give you notice that I object to the name of            being retained on the            electoral roll for the            constituency of the Council of State for the following reasons :—

(Here should be entered precise details as to the positive disqualification under rule 7 or the absence of qualification as required by rule 8 and Schedule II to the electoral rules.)

No. in the electoral roll            in which the name of applicant is entered.

Signature.

Dated the            day of            19    .

#### IV.—United Provinces.

NOTE.—

<i>Constituencies.</i>	<i>No. of members.</i>
<i>Non-Muhammadan</i> : : : : :	3
<i>Muhammadan</i> . : : : :	2

Council of State (United Provinces) Electoral Regulations (Legislative Department Notification No. 166, dated the 25th July, 1923 as amended by Notification No. 179, dated the 10th August, 1933. Also Notification No. 182, dated the 14th August, 1923).

*Regulations for the election to the Council of State of members for the United Provinces constituencies.*

##### PRELIMINARY.

1. (1) "Attesting Officer" means any officer appointed by the local Government to perform all or any of the duties of an attesting officer under these regulations, and includes any officer deputed for the time being by an attesting officer to perform any of his duties.

(2) "Returning Officer" means such officer as the local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the returning officer under these regulations, and includes any officer deputed for the time being by the returning officer to perform any of his duties.

(3) "Revising authority" means any officer appointed by the local Government to perform all or any of the duties of a revising authority under these regulations.

(4) "Elector" means any person whose name is entered in the electoral roll.

*Under Rule 9 (2) of the Council State of Electoral Rules.*

##### ELECTORAL ROLL.

2. (1) On or before such date as may be appointed by the local Government in this behalf, an electoral roll for each Non-Muhammadan constituency in English, Urdu and Nagri and for each Muhammadan constituency in English and Urdu shall be prepared by the returning officer in Form I annexed to these regulations.

(2) On and from such date the electoral roll so prepared shall be published by the returning officer by posting it in a conspicuous place at his office, and an extract from the electoral roll relating to each district shall be published by the District Officer of such district by posting it in a conspicuous place at his office.

(3) The electoral roll for each constituency shall also be published by the District Officer of the headquarters district of each division included in the constituency by posting it in a conspicuous place at his office.

## REVISION OF ELECTORAL ROLL

3. (1) Every claim and objection must be preferred in writing within fifteen days of the aforesaid date, and must state the qualifications or grounds on which the claim is based or the grounds on which the objection is made, as the case may be.

(2) Every person making a claim or objection must do so on a separate petition, which shall be presented in duplicate to the revising authority either by such person himself or by his duly authorised agent at such place and time as may be fixed by the revising authority in this behalf.

(3) The person presenting such petition shall at the time of presentation be informed of the date, time and place fixed for the hearing of his petition.

(4) Lists of the claimants and of the persons objected to shall be prepared for Non-Muhammadan constituencies in English, Urdu and Nagri and for Muhammadan constituencies in English and Urdu in Forms II, II-A, and III, respectively, attached to these regulations, and shall be published at the office of the revising authority for at least 10 days before the date fixed for the hearing of such claims and objections.

(5) The revising authority shall, as soon as practicable after receiving any petition of objection, send a copy of the petition by post to the person in respect of whose registration as an elector the objection is made, and shall at the same time and in the same manner inform him of the date, time and place fixed for hearing the objection.

(6) At such place and from such time as he may appoint in this behalf the revising authority shall hear and determine all claims and objections which have been duly made, and after such inquiry and after hearing such persons as to him may appear necessary he may order any addition to or alteration in the electoral roll.

(7) The electoral roll as so amended shall be republished in the manner prescribed in regulation 2

*Under Rule 15 of the Council of State Electoral Rules.*

## SCRUTINY OF NOMINATION PAPERS.

4. On the date and at the time appointed by the local Government for the scrutiny of nominations under sub-rule (2) of rule 11, each candidate, the election agent of each candidate, one proposer and one seconder of each candidate, and one other person duly authorised in writing by each candidate, but no other person, may

attend at such time and place as the returning officer may appoint, and the returning officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner prescribed in rule 11.

5. (1) The returning officer shall examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objections or on his own motion, after such summary inquiry if any, as he thinks necessary, refuse any nomination on any of the following grounds :—

- (i) that the candidate is ineligible for election under rule 5 or rule 6 ;
- (ii) that the name of the proposer or seconder is not entered on the electoral roll of the constituency or, subject to the provisions of sub-regulations (2) (b) and (3), that a person whose name is entered in such roll has subscribed more nomination papers than one ;
- (iii) that there has been any failure to comply with any of the provisions of rule 11 (3), (5) or (6) or rule 12 (1)
- (iv) that the candidate or any proposer or seconder is not identical with the person whose electoral number is given in the nomination paper as the number of such candidate, proposer or seconder, as the case may be ;
- (v) that the signature of the candidate or of any proposer or seconder is not genuine or has been obtained by fraud.

(2) For the purpose of this regulation,—

- (a) the production of any certified copy of an entry made in the electoral roll of any constituency shall be conclusive evidence of the right of any elector named in that entry to stand for election or to subscribe a nomination paper, as the case may be, unless it is proved that the candidate is disqualified under rule 5, or rule 6, and
- (b) where a person has subscribed whether as proposer or seconder more than one nomination paper that paper so subscribed, which has been first received, shall be deemed to be valid.

(3) Nothing contained in clause (ii), clause (iii), clause (iv), or clause (v) of sub-regulation (1) shall be deemed to authorise the refusal of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

6. (1) The returning officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection

(2) The scrutiny shall be completed on the day appointed in this behalf under clause (b) of sub-rule (2) or rule 11, and no adjournment of the proceedings shall be allowed unless objection is taken to a nomination. In case an objection is made the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the returning officer must record his decision on the date to which the proceedings have been adjourned.

7. (1) On completion of the scrutiny of nominations and after the expiry of the period within which candidatures may be withdrawn under sub-rule (3), of rule 11, the returning officer shall forthwith prepare a list of valid nominations and cause it to be affixed in some conspicuous place in his office.

(2) If two or more candidates are duly nominated the returning officer shall forthwith publish in the Gazette, and in such other manner as the local Government may prescribe and in such other places in the constituency as he may consider necessary, the names of the candidates as given in the nomination papers in alphabetical order. He shall also cause their names to be entered in ballot papers in Form IV attached to these regulations.

#### VOTING.

8. (1) Every elector desirous of recording his vote shall attend for the purpose at such place in the district under which his name appears in the electoral roll and on such date and at such time as may be appointed by the local Government in this behalf.

(2) The attesting officer shall thereupon deliver to each elector a ballot paper in Form IV annexed to these regulations, in which shall be entered the names of the candidates, together with an envelope for enclosing the same. No ballot paper shall be given to an elector after the time fixed for the closing of the poll.

(3) The elector shall sign the declaration on the back of the paper in the presence of the attesting officer in accordance with the instructions on the face thereof, and the attesting officer shall attest his signature in the manner prescribed by the same instructions, and shall at the same time make a mark against the entry of the elector's name in the electoral roll.

(4) The elector shall then proceed to a place screened from observation which shall be provided by the attesting officer, and there mark his vote on the ballot paper in accordance with the instructions on the face thereof.

(5) The elector shall then place the ballot paper in the envelope provided, and, after closing the envelope, shall deliver it to the attesting officer.

(6) If an elector is unable to read or write, or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this regulation, the attesting officer shall assist him in such manner as may be necessary to mark the ballot paper and sign the declaration on the back thereof.

9. The ballot paper shall be invalid if it is not duly marked or if a cross is placed opposite the name of more than one candidate or if it is so placed as to render it doubtful to which candidate the vote was intended to be given, or if the declaration on the back of the ballot paper has not been duly signed by the elector.

10. If a person representing himself to be a particular elector applies for a ballot paper after another person has voted as such an elector, the applicant shall, on signing a list in Form V attached to these regulations, bearing the heading "Tendered votes list" be entitled to record his vote in the manner provided in regulation 8, but no attestation of the attesting officer will be necessary. On the ballot paper which he shall receive and on the envelope in which it is enclosed the words "tendered vote" shall be written by the attesting officer.

11. The attesting officer shall, at the close of the day appointed for the attestation of ballot papers in the presence of such candidates or their representatives duly authorised in writing, if any, as may be in attendance, make up into separate packets and seal with his own seal and with the seals of such candidates or their representatives as aforesaid, as may desire to affix their seals :—

- (1) the envelopes received by him under regulation 8 (5),
- (2) the envelopes containing tendered votes received by him under regulation 10,
- (3) the unused ballot papers,
- (4) the marked copies of the electoral roll, and
- (5) the tendered votes list,

and shall forward these packets to the returning officer accompanied by a statement in Form VI attached to these regulations.

## COUNTING OF VOTES

12. (1) On receiving the packets mentioned in regulation II, the returning officer shall open the packet containing the envelopes received by the attesting officer under regulation 8 (5), and shall examine the ballot papers to see whether they have been correctly filled up

(2) The returning officer shall endorse "rejected" with the grounds for such rejection on any ballot paper which he may reject on the ground that it is invalid under these regulations.

(3) The returning officer shall then fold the lower portion of every ballot paper, whether valid or invalid, along the dotted line on the back so as to conceal the names of the elector and the attesting officer and shall seal down the portion thus folded with his official seal.

13 (1) The returning officer shall appoint a date, time and place for the counting of votes and shall give notice in writing thereof to all the candidates or their election agents.

(2) The candidates or their representatives duly authorised in writing shall be entitled to see the ballot papers after they have been sealed as provided by regulation 12 (3).

(3) If an objection is made to any ballot paper on the ground that it is invalid under these regulations or to the rejection by the returning officer of any ballot paper, it shall be decided at once by the returning officer, who shall record on the ballot paper the nature of the objection and his decision thereon.

14. The valid votes given to each candidate shall then be counted. If the counting of votes be not completed by 6 P.M., on the date appointed, the returning officer may adjourn the proceedings until the following day at 10 A.M., and in such case shall place the ballot papers and all other documents relating to the election under his own seal and the seals of such candidates or their representatives as aforesaid, if any, as may be in attendance and desire to affix their seals and shall otherwise take proper precautions for the security of such papers and documents, and may in like manner adjourn the proceedings from day to day until the counting of votes has been completed.

15. The returning officer shall not open the sealed packets of the tendered ballot papers or the marked copies of the electoral roll. He shall verify the statement submitted by the attesting officer in Form VI by comparing it with the number of ballot papers counted and rejected, the unused ballot papers in his possession and the tendered votes list, and shall then re-close and reseal each packet which has been opened by him and shall record on each packet a description of its contents and the date of the election to which it

- (1) the result of the verification referred to in regulation 15,
- (2) the names of the candidates for whom valid votes were given,
- (3) the number of valid votes given for each candidate,
- (4) the name of the candidate elected,
- (5) the number of votes declared invalid, and
- (6) the number of tendered votes given,

and shall permit any candidate or his representative as aforesaid to take a copy or an extract from such return.

17. The returning officer shall, after reporting the result of the election, retain in safe custody all the packets relating to the election in his possession.

(SEE REGULATION 2.)

*Electoral roll for the election of a member to the Council of State for the United Provinces.....constituency of the..... divisions.*

Serial number on district roll.	Name of elector.	Father's name (in case of a female elector father's <i>or</i> husband's name).	Address.	Qualifications.
1	2	3	4	5

## FORM II.

[SEE REGULATION 3 (4).]

*List of persons claiming to have their names entered in the electoral roll for the United Provinces.....constituency of the .....and.....divisions.*

Serial No.	Name of claimant.	Father's name (in case of a female elector father's or husband's name).	Address and name of polling station.	Alleged qualifications.	Remarks.

Notice is hereby given that all claims and objections shall be heard and determined from \_\_\_\_\_ o'clock on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

*Revising Authority.*

## FORM II-A.

[SEE REGULATION 3 (4).]

*List of persons alleging that their names are entered in an incorrect place or manner or with incorrect particulars and claiming to be registered correctly in the electoral roll for the United Provinces .....constituency of the .....and.....divisions.*

Serial No.	Name of claimant.	Father's name (in case of a female elector father's or husband's name).	Address and name of polling station.	Abstract of claim	Remarks.

Notice is hereby given that all claims and objections shall be heard and determined from \_\_\_\_\_ o'clock on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

*Revising Authority.*

## FORM III.

[SEE REGULATION 3 (4).]

*List of persons to the inclusion of whose names in the electoral roll for  
the United Provinces.....constituency of the  
.....and.....divisions objection  
has been taken.*

Serial No	Number in the electoral roll.	Name	Father's names (In case of a female elector father's or husband's name)	Qualifi- cations as stated in the electoral roll	Serial number of object- or in the electoral roll.	Name of ob or	Name of olling station	Grounds of objec- tion.	Remarks

Notice is hereby given that all claims and objections shall be  
heard and determined from                      o'clock on the                      day of

19

*Revising Authority.*

## FORM IV.

[SEE REGULATIONS 7 (2) AND 8 (2).]

*Ballot paper.*

*One member is to be elected to the Council of State for the United Pro-  
vinces.....constituency of the.....and  
.....divisions.*

The following candidates have been duly nominated :—

Serial number.	Names of candidates	Vote

*Instructions.*

1. Each elector has one vote.
2. He shall vote by placing, or causing to be placed, the mark × opposite the name of the candidate whom he prefers.
3. The ballot paper shall be invalid if the mark × is placed opposite the name of more than one candidate, or if it is so placed as to render it doubtful to which candidate such mark is intended to apply.
4. Before his vote is marked, the elector shall sign the declaration on the back of the paper in the presence of the attesting officer, who shall attest his signature. Without such attestation the ballot paper shall be invalid.
5. Ballot papers shall be presented for attestation and marked and delivered to the attesting officer enclosed in the envelope to be supplied by him for the purpose.

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*Declaration.*

I hereby declare that I am the person whose name appears as ..... No.....on the electoral roll for the election to the Council of State of a member for the United Provinces .....constituency of the.....and..... divisions.

*Elector.*

Signed in my presence by the elector who is personally known to me (or who has been identified to my satisfaction).

*Attesting Officer.*

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FORM V.

(SEE REGULATION 10.)

*Tendered votes list.*

Number on electoral roll.	Name.	Signature

---

## FORM VI.

(SEE REGULATION 11.)

Number of ballot papers received.	Number of persons who have voted.	Number of tendered votes	Number of ballot papers re- turned unused.
1	2	3	4

NOTE.—Any difference between the total of columns 2, 3 and 4 and the figure in column 1 must be explained.

*Regulations under rule 15 (9) of the Council of State Electoral Rules for the safe custody, preservation, inspection and production of election papers.*

(Notification No. 182. dated the 14th August, 1923.)

**ELECTORAL ROLLS.**

1. The Returning Officer of each constituency shall preserve a complete copy of the electoral roll of the constituency as finally published. A copy of so much of the roll as relates to each district shall be preserved by the District Officer thereof.

2. The rolls shall be preserved till a fresh roll has been prepared. They shall be open to inspection on such conditions, and certified copies may be given on payment of such fees, as the local Government may prescribe.

**PAPERS RELATING TO CLAIMS AND OBJECTIONS.**

3. Lists of claims and objections and all papers and files relating thereto shall be preserved in the general record room of the district to which they relate. Such papers shall be open to inspection, and certified copies may be given on payment of such fees, as the local Government may prescribe. They shall be preserved till a fresh electoral roll has been prepared for the constituency to which they relate.

**PAPERS RELATING TO NOMINATIONS.**

4. The nomination papers of candidates, withdrawals of candidature and all other papers relating to nomination shall be kept in the office of the District Officer of the district in which the counting of votes of the constituency to which they relate took place and shall be destroyed after three years, unless their retention for a longer period is ordered by a competent authority. They shall not be open to inspection by, nor may copies be given to, any person other than those who were entitled under the regulation to be present at the scrutiny of nominations.

**PAPERS RELATING TO VOTING AND COUNTING OF VOTES.**

5. All papers relating to voting and counting of votes (including sealed packets of used, unused, spoilt and tendered ballot papers, marked copies of electoral rolls, counterfoils of ballot papers, tendered votes lists, electors' identification slips, and statements and returns prepared by presiding officers or returning officers) shall be preserved by the Returning Officer. Such papers shall be retained for one year, and shall thereafter be destroyed, unless their

retention for a longer period is ordered by a competent authority. Except the Returning Officer's return of the result of an election such paper shall not be open to inspection and sealed packets containing ballot papers and the counterfoils of ballot papers shall not be opened, nor shall their contents be inspected or produced, except under the order of a competent court or of Commissioners appointed to hold an inquiry in respect of an election.

ELECTION PETITIONS AND PAPERS RELATING THERETO.

6. Election petitions with the proceedings and reports of Election Commissioners thereon shall be kept in the Legislative Department of the Government of India, and shall be destroyed after three years unless their retention for a longer period is ordered by the Secretary in the said Department.

## V.—Punjab

NOTE —

<i>Constituencies</i>	<i>No of members.</i>
<i>Non-Muhammadan</i> . . . . .	1
<i>Muhammadan</i> . . . . .	2
<i>Sikh</i> . . . . .	1

**Council of State (the Punjab) Electoral Regulations** (Legislative Department Notification No. 146, dated the 11th July 1923 Also Notification No. 147, dated the 11th July 1923, as amended by Notifications Nos. 186 and 238, dated the 20th August 1923, and the 27th October 1923, respectively).

**REGULATIONS FOR THE PREPARATION AND PUBLICATION OF ELECTORAL ROLLS.**

*Regulations under clauses (1) and (3) of sub-rule (2) of rule 9 of the Council of State Electoral Rules for the preparation and publication of Electoral Rolls of Constituencies in the Punjab for the Council of State.*

1. The Secretary to Government, Punjab (Transferred Departments), shall be the authority for the preparation of electoral rolls.

2. There will be a separate electoral roll for each constituency. It shall be in English and shall contain in alphabetical order the name of every elector with his serial number in the roll and his father's\* name, caste, occupation and the nature of his qualification as well as the district, tahsil and the place in the Punjab in which he resides

\*Except in the case of Christians

3. Every electoral roll shall contain the date of its publication.

4. Every electoral roll shall be published by being posted up in the office of every Deputy Commissioner in the Punjab and shall also be published in the Punjab Government Gazette.

5. Every roll shall also be published by being made available for sale.

**REGULATIONS FOR REVISION OF ELECTORAL ROLLS.**

*Regulations under clauses (4) to (7) of sub-rule (2) and under sub-rule (3) of rule 9 of the Council of State Electoral Rules for the revision of Electoral Rolls of constituencies in the Punjab for the Council of State.*

1. All claims and objections relating to the inclusion of names in, or their exclusion from, electoral rolls shall be presented within 21 days of the date of the publication of the electoral rolls to which they relate.

2. The following regulations shall apply to all claims and objections :—

- (1) The Registrar of the Punjab University shall be the Revising Authority for the disposal of claims and objections made by or relating to electors in respect of the possession of an academic status, and the Commissioner of the Division in which the claimant or person objected to resides shall be the Revising Authority in respect of all other claims and objections.
- (2) No form is prescribed for the presentation of claims and objections, but such claims and objections shall set forth clearly the grounds on which they are based and shall be supported by copies of such documentary evidence as is available
- (3) Claims and objections may be presented to the Revising authority personally or by post. The Revising Authority shall on receipt of a claim or objection inscribe thereon the date on which he received it, and such date shall be deemed to be the date of presentation.
- (4) An objection with the copies of documents (if any) attached to it shall be submitted in duplicate, and the Revising Authority shall cause one copy to be sent under registered cover by post to the persons against whom objection is taken.
- (5) The Revising Authority shall communicate by post or otherwise, as may be most convenient, to the persons concerned, the date, time and place fixed by him for hearing claims or objections.
- (6) The Revising Authority shall decide the claims and objections presented to him after following such procedure as he may think suitable, provided always that he shall give an opportunity to the parties concerned, personally or by a duly authorised agent, to appear and state their cases.
- (7) An objection to the registration of an elector on the roll of the Sikh constituency on the ground that he is not a Sikh shall be accepted unless the person objected to appears and makes the declaration in the Form No. I appended to these regulations, or forwards to the Revising Authority such declaration signed by him and verified by the seal or signature of any Magistrate, Sub-Registrar, Zaildar or Lambardar :

Provided that if such person is absent at the hearing of the objection and the declaration verified as prescribed has not been received and he appears subsequently and makes the declaration, or if the declaration verified as

prescribed is subsequently received, the Revising Authority shall enter his name on the electoral roll of the Sikh constituency in spite of the previous order accepting the objection, unless an objection on any other ground is upheld.

3. Every Revising Authority shall, on the disposal of the claims and objections relating to an area for which an electoral roll was prepared, forward a list of claims and objections and of his orders accepting or rejecting them to the authority appointed for the preparation of the electoral roll.

4. The authority for the preparation of the electoral roll shall amend it in accordance with the orders of the Revising Authorities. He shall then either reprint and republish the amended roll or if he deems fit, republish as the final roll the preliminary roll together with a list of additions and corrections.

5. The authority for the preparation of an electoral roll shall certify one copy as republished and shall cause it to be deposited in the Punjab Civil Secretariat Office (Judicial Branch) where it shall be retained for 12 years.

5-A. If any elector, whose name is registered in an electoral roll, brings to the notice of the Revising Authority by application in writing presented in any form, an error in any entry relating to his name which is a clerical error, or a mistake in the entry of any particular which neither affects his right to be registered as an elector, nor gives him the right to be registered as an elector for a constituency for which he has not already been registered, the Revising Authority may at any time make such correction as he deems proper.

5-B. An application may be lodged in the manner hereinbefore prescribed in regulation 5A on behalf of the Deputy Commissioner in respect of any clerical error or mistake of the nature described in that regulation.

6. The authority to whom applications may be made under rule 9 (6) shall be the Elections Commissioner, Punjab, appointed for the time being, and when there is no such officer, the Secretary to Government, Punjab (Transferred Departments).

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#### FORM No. I.

##### *Form of Sikh Declaration.*

"I solemnly affirm that I am a Sikh, that I believe in the Guru Granth Sahib, that I believe in the Ten Gurus, and that I have no other religion."

## REGULATIONS FOR NOMINATIONS AND ELECTIONS.

*Regulations under rule 15 of the Council of State Electoral Rules for the nomination and election of Members in constituencies in the Punjab for the Council of State**The appointment of Returning Officers.*

1. The Returning Officers for the constituencies mentioned in the first column of the Schedule hereto annexed shall be the persons respectively specified in the corresponding entry in the second column thereof

2. (1) The persons specified in the third column of the said Schedule may, subject to the control of the Returning Officer, perform all or any of the functions of the Returning Officer in the constituencies respectively specified in the corresponding entry in the first column thereof .

Provided that no such person shall perform any of the functions of a Returning Officer which relate to the acceptance of a nomination paper or to the scrutiny of nominations or to the counting of votes, unless the Returning Officer is unavoidably prevented from performing the same, in which case the said functions may be performed in any constituency by the persons specified in the corresponding entry in the third column of the Schedule.

(2) References to the Returning Officer in these regulations shall, unless a contrary intention appears, be deemed to include any person when performing any duty or function which he is authorised to perform under sub-regulation (1).

*Scrutiny of Nominations*

3. On the date appointed by the local Government for the scrutiny of nominations under sub-rule (2) of rule 11, the candidates, their election agents, one proposer and one seconder of each candidate, and one other person, duly authorised in writing by each candidate, but no other person, may attend at such time and place as the Returning Officer may appoint, and the Returning Officer shall give them all reasonable facilities for examining the nomination papers\* of all candidates which have been delivered within the time and in the manner prescribed in rule 11

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\* Printed forms of nomination paper prescribed in Schedule III will be supplied free of cost by the Deputy Commissioners on application by *bono fide* candidates.

4. (1) The Returning Officer shall examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objection or on his own motion after such summary inquiry, if any, as he thinks necessary, refuse any nomination on any of the following grounds :—

- (i) that the candidate is ineligible for election under rule 5 or rule 6 ;
- (ii) that a proposer or seconder is disqualified from subscribing a nomination paper under sub-rule (4) of rule 11 ;
- (iii) that there has been any failure to comply with any of the provisions of rule 1 or rule 12 ;
- (iv) that the candidate or any proposer or seconder is not identical with the person whose electoral number is given in the nomination paper as the number of such candidate, proposer or seconder, as the case may be ;
- (v) that the signature of the candidate or of any proposer or seconder is not genuine or has been obtained by fraud.

(2) For the purposes of this regulation :—

- (a) the production of any certified copy of an entry made in the electoral roll of any constituency shall be conclusive evidence of the right of any elector named in that entry to stand for election or to subscribe a nomination paper, as the case may be, unless it is proved that the candidate is disqualified under rule 5 or rule 6 or, as the case may be, that the proposer or seconder is disqualified under sub-rule (4) of rule 11, and
- (b) where a person has subscribed whether as proposer or seconder a larger number of nomination papers than there are vacancies to be filled, those of the papers so subscribed which have been first received, up to the number of vacancies to be filled, shall be deemed to be valid.

(3) Nothing contained in clause (ii), clause (iii), clause (iv) or clause (v) of sub-regulation (1) shall be deemed to authorise the refusal of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

5. (1) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same, and if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(2) The scrutiny shall be completed on the day appointed in this behalf under clause (b) of sub-rule (2) of rule 11 and no adjournment of the proceedings shall be allowed.

6. On completion of the scrutiny of nominations and after the expiry of the period within which candidatures may be withdrawn under sub-rule (8) of rule 11, the Returning Officer shall forthwith prepare a list of valid nominations and cause it to be affixed in some conspicuous place in his office.

7. If more than one candidate is duly nominated, the Returning Officer shall forthwith publish in the local official Gazette and at the headquarters of the district or districts and of the tahsil or tahsils in the constituency concerned the names of the candidates as given in the nomination papers in alphabetical order. And he shall also take such action as the local Government may direct for the printing of ballot papers.

8. The Returning Officer of the constituency shall fix a place, date and time for the counting of votes, and shall, not less than 15 days previous to that date, forward by registered post to each elector of the constituency, addressed to him in the district in which he is registered as an elector, a ballot paper in Form I appended to these regulations stamped with the prescribed official mark after noting on its counterfoils the number on the electoral roll of the elector to whom it is sent; and he shall at the same time send the elector a copy in English of regulations 9, 10 and 11 and shall communicate to him his electoral number and the date fixed for the counting of votes.

8-A. An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, on returning it to the Returning Officer and satisfying him of the inadvertence, before 3 o'clock on the date preceding that fixed for the counting of votes obtain another ballot paper in place of the spoilt paper and the latter shall together with its counterfoil be marked as cancelled.

8-B. An elector whose ballot paper has been returned to the Returning Officer as undelivered may, on making an application in writing signed by himself before the Returning Officer or a Magistrate, obtain the undelivered envelope containing the ballot paper or require the Returning Officer to forward it to him again by registered post.

9. No account will be taken of a ballot paper unless it is received by the Returning Officer not later than the day before that fixed for the counting of votes, or if for any of the reasons given in regulation 17 is invalid.

10. The election shall not be invalidated because an elector to whom a ballot paper has been duly forwarded failed to receive it in time to enable him to return it to the Returning Officer not later than the day prescribed.

11. (1) An elector to whom a ballot paper has been sent under regulation 8 may mark it in favour of the candidate for whom he desires to vote, and shall put it into the envelope supplied for the purpose by the Returning Officer and close the envelope and place that envelope with a covering letter in a second envelope, and cause the envelope containing the closed envelope, and the covering letter to be delivered by post or otherwise to the Returning Officer of the constituency, provided that account will not be taken of the ballot paper in the closed envelope unless the covering letter which accompanies it bears on it the signature and electoral number of the elector, and is countersigned and sealed with the seal of his office by the Returning Officer, or by a Justice of the Peace, or by any Magistrate or Civil Judge having jurisdiction in British territory, or by a Political Officer not lower in rank than an Assistant Political Agent of a State in India, or by the Chief Judge or the highest Judicial authority of a State in India who shall certify that the elector has signed the covering letter in his presence, and that the elector is personally known to him or has been identified by some person who is personally known to him.

(2) An elector who for any reason is unable to sign the covering letter shall affix his thumb mark and immediately under it his name shall be clearly written.

12. The Returning Officer shall open all envelopes received by him before the date fixed for the counting of votes, and shall make a mark in the electoral roll against the name of the elector purporting to sign the covering letter to indicate that his ballot paper has been received; and in every case in which the covering letter is duly authenticated shall deposit in a locked and sealed ballot box the closed envelope containing the ballot paper unopened, and in another locked and sealed box the covering letter.

13. The box used for the deposit of ballot papers during the recording of votes shall be constructed so that when the box is locked, papers can be introduced therein, but cannot be withdrawn therefrom without the box being unlocked, and the box shall be marked with the words "Ballot Box, Council of State," and with the name of the constituency to which it relates.

14. If a closed envelope containing a ballot paper is received by the Returning Officer purporting to contain the ballot paper of an elector whose covering letter is not duly authenticated or whose name has already been marked as having voted, the Returning Officer shall endorse the envelope containing the ballot paper with the name of the elector and his electoral number and shall place it with its covering letter in a separate parcel and deal with such ballot paper as a tendered ballot paper.

15. (1) No person shall be allowed to be present at the counting of the votes except the Returning Officer and such persons as he may appoint to assist him in counting the votes, and such other persons as have a right to be present under sub-rule (6) of rule 14.

(2) No person shall be appointed to assist in counting the votes who is a candidate or who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

16. The Returning Officer shall notify to the candidates, or their agents, the place, date and time fixed by him for the counting of votes, and at such place, date and time he shall, before he commences to count the votes, read the provisions of section 14\* of the Indian Elections Offences and Inquiries Act, 1920, to such persons as may be present, and shall then proceed as follows :—

- (a) open the ballot box ;
- (b) take out the ballot papers from the envelopes contained therein, mix them, and allow the candidates and their agents reasonable opportunity to inspect, without handling, these ballot papers and shall on every ballot paper which is wholly or partially rejected endorse the word "rejected". If any candidate or agent present questions the correctness of the rejection, he shall also record on the ballot paper the grounds for the rejection. No candidate or agent shall be allowed to see the serial number on the back of any ballot paper ;
- (c) make out in Form II appended to these regulations an account of ballot papers issued and received back and of the tendered ballot papers ;
- (d) make into separate parcels sealed with the seal provided and marked outside with the name of the constituency concerned and the nature of the contents, the ballot papers returned, the covering letters received with ballot papers deposited in the ballot box, the tendered ballot papers with their covering letters, the counterfoils of the ballot papers which have been issued, the ballot papers which have not been issued and the marked copy of the electoral roll ,

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\*14. (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who wilfully acts in contravention of the provisions of this section shall be punished with imprisonment of either description for a term not exceeding three months or with fine, or with both.

(e) prepare and certify a return setting forth—

- (1) the names of the candidates for whom valid votes have been given,
- (2) the number of valid votes given for each candidate,
- (3) the name of the candidate elected, and
- (4) the number of votes declared invalid,

and he shall permit any candidate or any representative duly authorised under sub-rule (6) of rule 14 to take a copy or an extract from such return.

17. (1) A ballot paper shall be rejected if,—

- (a) it has not on it the official mark,
- (b) it is marked with a cross opposite the name of more than one candidate,
- (c) no vote is recorded thereon,
- (d) it is void for uncertainty,
- (e) it bears any mark by which the elector can be identified.

(2) The decision of the Returning Officer as to the validity of a ballot paper shall be final subject only to reversal on an election petition

18. The Returning Officer shall, as far as practicable, proceed continuously with the counting of the votes ; and shall, during any necessary intervals during which the counting has to be suspended, secure the ballot papers, parcels and other documents relating to the election under the seal provided and the seals of such candidates, or agents as may desire to affix them, and shall cause adequate precautions to be taken for their custody.

19. The Returning Officer shall after reporting the result of the election under sub-rule (9) of rule 14 forward the return mentioned in regulation 16 to the Secretary to Government, Punjab (Transferred Departments), and shall forward for safe custody to the Deputy Commissioner of the district, in which counting of votes took place, all the papers dealt with by him.

20. While in the custody of the Deputy Commissioner to whom they have been so forwarded, the parcels of ballot papers whether counted, rejected or tendered, and of the counterfoils thereof and the marked copy of the electoral roll, shall not be opened and their contents shall not be inspected or produced except under the order of a competent Court or of Commissioners appointed to hold an

inquiry in respect of an election, but all other documents relating to the election shall be open to public inspection, subject to such conditions and to the payment of such fee, if any, as the local Government may impose.

21. The parcels aforesaid shall be retained for a period of one year and shall thereafter be destroyed subject to any direction to the contrary made by the local Government, or by a competent Court or by Commissioners appointed to hold an inquiry in respect of an election.

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**REGULATIONS FOR THE SAFE CUSTODY. PRESERVATION, INSPECTION AND PRODUCTION OF ELECTION PAPERS.**

*Regulations under rule 15 of the Council of State Electoral Rules for the purpose of the safe custody, preservation, inspection and production of election papers relating to the election of members to the Council of State from the Punjab*

1 Copies of the preliminary and final electoral rolls, registers and files of claims and objections, and applications for correction of clerical errors shall be kept in the Punjab Civil Secretariat until the completion of the next revision of electoral rolls and shall thereafter be destroyed :

Provided that only three copies of the preliminary electoral rolls shall be so kept

2. The nomination papers of candidates, the documents relating to the appointment of election and other agents, the revocation of such appointments and withdrawals from candidature shall be kept in the Punjab Civil Secretariat, Lahore, and shall be destroyed after three years unless their retention for a longer period is ordered by the local Government or any officer duly authorised to order such retention.

3. Election petitions, with the proceedings of enquiries by Election Commissioners shall be kept in the Legislative Department of the Government of India and shall be destroyed after three years unless their retention for a longer period is ordered by the Secretary in the said Department.

4. Any person may inspect any of the documents mentioned in the above regulations and obtain copies thereof on payment of fees on the scale for the time prescribed in the Punjab for the inspection of and purchase of copies of revenue records.

5. Copies of electoral rolls may be purchased from the Punjab Civil Secretariat, Lahore, subject to the condition that six copies of each roll shall be retained in the said Secretariat.

## SCHEDULE


(SEE REGULATIONS 1 AND 2 FOR NOMINATIONS AND ELECTIONS.)

*Returning Officers.*

1	2	3
Punjab (Non-Muhammadan).	The Reclamation Officer, Punjab.	The Under-Secretary to Government, Punjab, Public Works Department, Irrigation Branch, Lahore.
Punjab (Sikh)	The Assistant Secretary to Government, Punjab, Lahore.	The Under-Secretary to Government, Punjab, Public Works Department, Buildings and Roads Branch, Lahore.
East Punjab (Muhammadan).	Do.	The Inspector of Schools, Lahore Division, Lahore.
West Punjab (Muhammadan).	The Deputy Commissioner for Criminal Tribes, Punjab, Lahore.	The Assistant to Deputy Commissioner for Criminal Tribes, Punjab, Lahore.
East and West Punjab (Muhammadan) combined constituency.	Do.	Do.

## FORM No. I.

## FORM OF FRONT OF BALLOT PAPER.

Counterfoil.		Outerfoil.
Serial No		Front.
Constituency		Roy . . .
		Chaudhuri .
Number of elector on electoral roll		Chatterji .
		Banerji . .
	Ghosh . . .	

NOTE.—It is considered important that the whole of the outerfoil of the Ballot Paper should be taken up by the cage containing the names of candidates and spaces for recording votes.

## FORM No. II.

## ELECTION.

*Constituency ..... Council of State.*

Voting papers.

RECEIVED.			ISSUED.			RETURNED.
<i>Serial Nos.</i>		Total.	<i>Serial Nos.</i>		Total.	Total.
From	To		From	To		

*Tendered vote voting papers.*

Voting papers.

Total.

Date .....

Signature .....

Returning Officer.

## VI.—BURMA.

NOTE—

<i>Constituencies.</i>	<i>No. of members.</i>
<i>General</i> . . . . .	<i>1</i>
<i>Commerce (European).</i> . . . .	<i>1</i>

**Council of State (Burma) Electoral Regulations (Legislative Department Notification No. 124, dated the 16th April 1924).**

### PART I —ELECTIONS FOR THE BURMA CONSTITUENCY.

#### *Definitions.*

#### I. In this Part of these Regulations—

- (a) “Enrolling Officer” means the District Magistrate and includes any officer deputed by the District Magistrate to perform his duties as such Enrolling Officer ;
- (b) “Form” means a form annexed to these Regulations ;
- (c) “Gazette” means *the Burma Gazette* ;
- (d) “Revising authority” means
  - (i) in the case of Rangoon, the Commissioner of the Pegu Division, and
  - (ii) in other cases the District Magistrate, except when the District Magistrate has himself prepared the Electoral Roll, in which case it shall mean the Commissioner of the Division;
- (e) “Rule” means a rule included in the Council of State Electoral Rules.

#### *Electoral Roll*

II. (1) Electoral Rolls shall be prepared by or under the orders of the Enrolling Officer for each District or for such areas in each District as the District Magistrate may direct, on or before such date as may be prescribed by the Local Government in this behalf. The rolls shall be prepared in Form I attached to these Regulations. Electoral  
Rolls.

(2) As soon as may be after the preparation of the roll, a copy of it shall be posted in a conspicuous manner at such places as the District Magistrate may direct together with a notice specifying the mode in which and the time within which any person whose name is not entered in the roll and who claims to have it inserted therein, or any person whose name is on the roll and who objects to the inclusion of his own name or the name of any other person on the roll, may prefer a claim or objection to the Revising Authority :

Provided that the local Government may direct that the electoral roll for any specified area shall be published also in the Gazette.

(3) As soon as may be after the receipt of the notices of such claims or objections, the revising authority shall cause notices to be published in the same manner as the electoral roll, and also, when practicable, to be served on each claimant, each objector, and each person objected to. Every notice shall specify the place, date and time at which such claims or objections will be heard

(4) On the date specified in such notice, or on any subsequent date to which the hearing may be adjourned, the Revising Authority shall, after hearing such persons as he may deem it necessary to hear, give his decision on such claims or objections by order in writing.

(5) Any amendment made in the electoral roll in accordance with the orders of the Revising authority shall be published in the same manner as the electoral roll

*Returning Officer.*

III The Returning Officer for the constituency shall be the Collector, Rangoon Town District

Provided that the delivery of nomination papers under sub-rule (3) of rule 11 may be made to the Enrolling Officer who is hereby authorised to receive the same.

*Scrutiny of Nominations.*

IV. On the date appointed by the local Government for the scrutiny of nominations under sub-rule (2) of rule 11 the candidates, their election agents, one proposer and one seconder of each candidate, and one other person duly authorised in writing by each candidate, but no other person, may attend at such time and place as the Returning Officer may appoint, and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner prescribed in rule 11

V. (1) The Returning Officer shall examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, refuse any nomination on any of the following grounds :—

- (i) that the candidate is ineligible for election under rule 5 or rule 6 ;
- (ii) that a proposer or seconder is disqualified from subscribing a nomination paper under sub-rule (4) of rule 11 ;

- (iii) that there has been any failure to comply with any of the provisions of rule 11 or rule 12 ;
- (iv) that the candidate or any proposer or seconder is not identical with the person whose electoral number is given in the nomination paper as the number of such candidate, proposer or seconder, as the case may be .
- (v) that the signature of the candidate or of any proposer or seconder is not genuine or has been obtained by fraud.

(2) For the purposes of this Regulation,—

- (a) the production of any certified copy of an entry made in the electoral roll of the constituency shall be conclusive evidence of the right of any elector named in that entry to stand for election or to subscribe a nomination paper, as the case may be, unless it is proved that the candidate is disqualified under rule 5 or, as the case may be, that the proposer or seconder is disqualified under sub-rule (4) of rule 11, and
- (b) where a person has subscribed whether as proposer or seconder more than one nomination paper those of the papers so subscribed which have been first received, shall be deemed to be valid.

(3) Nothing contained in clause (ii), clause (iii), clause (iv), or clause (v) of sub-regulation (1) shall be deemed to authorise the refusal of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

VI. (1) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(2) The scrutiny shall be completed on the day appointed in this behalf under clause (b) of sub-rule (2) of rule 11 and no adjournment of the proceedings shall be allowed.

VII. On completion of the scrutiny of nominations and after the expiry of the period within which candidature may be withdrawn under sub-rule (8) of rule 11, the Returning Officer shall forthwith prepare a list of valid nomination and cause it to be affixed in some conspicuous place in his office.

VIII. If the number of duly nominated candidates is greater than the number of vacancies the Returning Officer shall forthwith publish in the Gazette, and in such other manner as the local Government may prescribe, and in such places in the constituency as he may consider necessary, the names of the candidates as given in the nomination papers in alphabetical order.

*Voting.*

IX. The local Government shall appoint the hour at which the poll shall commence and the hour at which it shall close on the date appointed for the poll under clause (c) of sub-rule (2) of rule 11. The hours so fixed shall be published by notification in the Gazette and in such other manner as the local Government may direct.

X. (1) Every elector desirous of voting shall attend for the purpose between the hours appointed under Regulation IX for the commencement and closing of the poll at the office of the Officer by whom the electoral roll in which his name is included was prepared or at such other place as the District Magistrate may have appointed to be a polling station for voters whose names are included in that roll.

(2) The Enrolling Officer shall thereupon require the elector to sign a declaration paper in Form II and, if the Enrolling Officer is satisfied as to the identity of the elector, he shall record a statement to that effect at the foot of the declaration and deliver to the elector a separate ballot paper in Form III.

(3) The elector shall then proceed to a place screened from observation which shall be provided by the Enrolling Officer, and there mark his vote on the ballot paper in accordance with the instructions on the face thereof.

(4) The elector shall then deposit the ballot paper in a sealed box with an aperture, provided for the purpose by the Returning Officer.

(5) If a person representing himself to be a particular elector applies for a ballot paper after another person has voted as such elector, the applicant shall, after duly answering such questions as the Enrolling Officer may ask, be entitled to record his vote. In such case his signature or thumb impression and the signature of his identifying witness shall be taken on a list in Form V bearing the heading "Tendered Votes List". The ballot paper which he shall receive shall be of a colour different from that of the ordinary ballot papers and after his vote has been recorded thereon it shall not be placed in the box referred to in sub-regulation (4) but shall be given to the Enrolling Officer and endorsed by him with the name given by the voter and the number given to that name on the General roll. All such ballot papers shall be kept by the Enrolling Officer in a separate packet.

(6) If the Enrolling Officer, in cases to which the provisions of sub-regulation (5) do not apply, is not satisfied as to the right of any person who claims to be an elector to vote, or as to his identity, the Enrolling Officer shall require such person to attend at such time as may be fixed by the local Government in that behalf after the time appointed for the closing of the poll under Regulation IX has expired.

(7) When such person has so attended, the Enrolling Officer shall deliver to him a declaration paper in Form II, and, after such person has signed the same, shall record his reasons for disputing the right of such person to vote with the electors at the foot of the declaration. The Enrolling Officer shall then enclose the said declaration paper in an envelope, and deliver it to such person with a ballot paper in Form III.

(8) Such persons shall then proceed to a place screened from observation which shall be provided by the Enrolling Officer, mark his vote on the ballot paper in accordance with the instructions on the face thereof, enclose the same in another envelope, and deliver it to the Enrolling Officer together with the envelope containing the declaration paper.

(9) The Enrolling Officer shall close both the envelopes, fastening them together securely, and deposit the same, in the presence of the elector in a separate sealed box with an aperture provided for the purpose by the Returning Officer.

(10) If an elector is unable to read or write, or is by reason of blindness or other physical defect incapacitated from making his declaration or recording his vote, the Enrolling Officer shall render him such assistance as may be necessary for the purpose.

(11) On the expiration of the time fixed for recording the votes, the Enrolling Officer shall close up and seal with his official seal the apertures in all the boxes in which ballot papers have been deposited, and shall despatch the boxes to the Returning Officer with the least possible delay, in such manner as may be prescribed by the Returning Officer.

(12) As soon as possible after the despatch of the boxes, the Enrolling Officer shall also despatch to the Returning Officer, in such manner as may be prescribed by the Returning Officer, a list in Form IV of the electors who have voted under sub-regulation (3) together with their declaration papers, a list in Form V of the electors who have voted under sub-regulation (5) together with the packet referred to in that clause, and a list in Form VI of the electors who have voted under sub-regulation (8).

#### *Counting of Votes.*

XI. The Returning Officer shall, as soon as may be practicable after the close of the poll, appoint a date, time and place for the counting of votes and shall give notice in writing thereof to all candidates and election agents.

XII. (1) No persons shall be allowed to be present at the counting of the votes except the Returning Officer and such persons as he may appoint to assist him in counting the votes, and such other persons as have a right to be present under sub-rule (6) of rule 14.

(2) No person shall be appointed to assist in counting the vote who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

XIII. (1) On the day and at the time appointed under Regulation XI, the Returning Officer shall open the boxes referred to in sub-regulation (11) of Regulation X, shall examine the ballot papers deposited therein, shall determine whether each such ballot paper is valid, and shall count the votes recorded for each candidate on papers not rejected as invalid

(2) The Returning Officer shall reject a ballot paper as invalid if,—

- (a) the number of votes recorded thereon exceeds the number of vacancies to be filled,
- (b) no vote is recorded thereon,
- (c) it is void for uncertainty,
- (d) it bears any mark by which the elector can be identified.

(3) The decision of the Returning Officer as to the validity of a ballot paper shall be final, subject only to reversal on an election petition claiming the seat.

(4) The Returning Officer shall endorse the word "rejected," with the ground for such rejection, on any ballot paper which he may reject as invalid.

(5) After declaring the result of the election under sub-rule (7) of rule 14, and reporting the same under sub-rule (9) of that rule, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and shall thereafter cause them to be destroyed unless otherwise directed by an order of Commissioners appointed to hold an election inquiry

(6) During the period for which voting papers and other documents relating to the election are retained by the Returning Officer under the provisions of sub-regulation (5), they shall not be produced except under the orders of a competent court or of Commissioners appointed to hold an election inquiry.

## PART II.—ELECTIONS FOR THE BURMA CHAMBER OF COMMERCE CONSTITUENCY.

### *Definitions.*

XIV. In this Part of these Regulations—

- (a) "Revising Authority" means the Commissioner of the Pegu Division;
- (b) "Form" means a form annexed to these Regulations;
- (c) "Gazette" means the *Burma Gazette*;

- (d) "Secretary" means the Secretary to the Burma Chamber of Commerce ;
- (e) "Rule" means a rule included in the Council of State Electoral Rules.

XV. (1) The electoral roll shall be prepared by the Secretary in <sup>Electoral</sup> Form VII on or before such date as may be prescribed by the local <sup>Roll.</sup> Government in that behalf.

(2) As soon as may be after the preparation of the roll, it shall be published in the Gazette, and a copy thereof shall also be posted in a conspicuous place at the office of the Burma Chamber of Commerce and of the District Magistrate, Rangoon, together with a notice specifying the mode in which, and the time within which, any person whose name is not entered in the roll and who claims to have it inserted therein, or any person whose name is on the roll and who objects to the inclusion of his own name or of the name of any other person on the roll, may prefer a claim or objection to the Revising Authority.

(3) As soon as may be after the receipt of notices of such claims or objections, the Revising Authority shall cause notices to be published in the Gazette and also, when practicable, to be served on each claimant, each objector, and each person objected to. Every notice shall specify the place, date and time at which such claims or objections shall be heard.

(4) On the date specified in such notice, or any subsequent date to which the hearing may be adjourned, the Revising Authority shall, after hearing such persons as he may deem it necessary to notice hear, give his decision on such claims or objections by order in writing.

(5) The electoral roll as amended in accordance with the orders, if any, of the Revising Authority, shall be republished in the Gazette, and a copy thereof shall also be posted in a conspicuous place in the office of the Burma Chamber of Commerce and of the District Magistrate, Rangoon.

#### *Returning Officer.*

XVI. The Returning Officer for the constituency shall be the <sup>Appoint-  
ment of  
Returning  
Officer.</sup> Collector, Rangoon Town District.

Provided that the delivery of nomination papers under sub-rule (3) of rule 11 may be made to the Secretary who is hereby authorised to receive the same.

#### *Scrutiny of Nominations.*

XVII. On the date appointed by the local Government for the scrutiny of nominations under sub-rule (2) of rule 11 the candidates, their election agents, one proposer and one seconder of each candidate, and one other person duly authorised in writing by each

candidate, but no other person, may attend at such time and place as the Returning Officer may appoint, and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner prescribed in rule 11.

XVIII. (1) The Returning Officer shall examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, refuse any nomination on any of the following grounds :—

- (i) that the candidate is ineligible for election under rule 5 or rule 6 ;
- (ii) that a proposer or seconder is disqualified from subscribing a nomination paper under sub-rule (4) of rule 11 ;
- (iii) that there has been any failure to comply with any of the provisions of rule 11 or rule 12.
- (iv) that the candidate or any proposer or seconder is not identical with the person whose electoral number is given in the nomination paper as the number of such candidate, proposer or seconder, as the case may be ;
- (v) that the signature of the candidate or of any proposer or seconder is not genuine or has been obtained by fraud.

(2) For the purposes of this regulation,—

- (a) the production of any certified copy of an entry made in the electoral roll of the constituency shall be conclusive evidence of the right of any elector named in that entry to stand for election or to subscribe a nomination paper, as the case may be, unless it is proved that the candidate is disqualified under rule 5 or, as the case may be, that the proposer or seconder is disqualified under sub-rule (4) of rule 11, and
- (b) where a person has subscribed whether as proposer or seconder more than one nomination paper, the one so subscribed which has been first received, shall be deemed to be valid.

(3) Nothing contained in clause (ii), clause (iii), clause (iv), or clause (v) of sub-regulation (1) shall be deemed to authorise the refusal of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

XIX. (1) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing brief a statement of his reasons for such rejection.

(2) The scrutiny shall be completed on the day appointed in this behalf under clause (b) of sub-rule (2) of rule 11 and no adjournment of the proceedings shall be allowed.

XX. On completion of the scrutiny of nominations and after the expiry of the period within which candidatures may be withdrawn under sub-rule (8) of rule 11, the Returning Officer shall forthwith prepare a list of valid nominations and cause it to be affixed in some conspicuous place in his office.

XXI If the number of duly nominated candidates is greater than the number of vacancies, the Returning Officer shall forthwith publish in the Gazette, and in such other manner as the local Government may prescribe, and in such places in the constituency as he may consider necessary, the names of the candidates as given in the nomination papers in alphabetical order.

#### *Voting.*

XXII. (1) The Secretary shall send by registered post to every Voting-electtor whose name is on the electoral roll, before such date as may be appointed by the local Government in that behalf, a declaration paper in Form VIII and a ballot paper in Form IX.

(2) Every elector, whose name is on the electoral roll, on receipt of the ballot paper and the declaration paper, shall mark his vote on the ballot paper in accordance with the instructions on the face thereof, and shall then place the ballot paper in a sealed envelope.

(3) He shall then send the envelope containing the ballot paper duly sealed, together with the declaration paper duly filled up, to the Secretary by registered post

(4) The Secretary, on receipt of the declaration paper and the sealed envelope containing the ballot paper, shall verify the declaration paper, after satisfying himself that the same is in order, and shall deposit the ballot paper in a sealed box, provided for the purpose by the Returning Officer.

(5) If a declaration paper and sealed envelope are received purporting to come from a particular elector after another declaration paper and sealed envelope have been received purporting to come from such elector, the sealed envelope shall be endorsed by the Secretary with the name of the elector and his number on the General roll and set aside with the declaration paper in a separate packet.

(6) If the Secretary, in cases to which the provisions of clause (5) do not apply, is not satisfied as to the right of any person who claims to be an elector to vote, he shall record his reasons for disputing the right of such person to vote at the foot of the declaration paper, and shall then enclose the said declaration paper in a sealed envelope, which he shall fasten securely together with the sealed envelope, containing the ballot paper, and deposit the same in a separate sealed box, provided for the purpose by the Returning Officer

(7) On the expiration of the time fixed for recording the votes, the Secretary shall close up and seal with his official seal the apertures in all the boxes in which ballot papers have been deposited and shall despatch the same to the Returning Officer with the least possible delay in such manner as may be prescribed by the Returning Officer.

(8) As soon as possible after the despatch of the boxes, the Secretary shall also despatch to the Returning Officer, in such manner as may be prescribed by the Returning Officer, a list in Form X of the electors whose declarations he has verified together with their declaration papers, a list in Form XI of the electors whose sealed envelopes have been dealt with under clause (5) together with the packet referred to in that clause and a list in Form XIV of the electors whose right to vote he has disputed.

*Counting of votes.*

XXIII. The Returning Officer shall, as soon as may be practicable after the close of the poll, appoint a date, time and place for the counting of votes and shall give notice in writing thereof to all candidates and election agents.

XXIV. (1) No person shall be allowed to be present at the counting of the votes except the Returning Officer and such persons as he may appoint to assist him in counting the votes, and such other persons as have a right to be present under sub-rule (6) of rule 14.

(2) No person shall be appointed to assist in counting the votes, who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

XXV. (1) On the day and at the time appointed under Regulation XI, the Returning Officer shall open the boxes referred to in sub-regulation (11) of Regulation X, shall examine the ballot papers deposited therein, shall determine whether each such ballot paper is valid, and shall count the votes recorded for each candidate on papers not rejected as invalid.

(2) The Returning Officer shall reject a ballot paper as invalid, if,—

- (a) the number of votes recorded thereon exceeds the number of vacancies to be filled,
- (b) no vote is recorded thereon,
- (c) it is void for uncertainty,
- (d) it bears any mark by which the elector can be identified.

(3) The decision of the Returning Officer as to the validity of a ballot paper shall be final, subject only to reversal on an election petition claiming the seat.

(4) The Returning Officer shall endorse the word "rejected," with the ground for such rejection, on any ballot paper which he may reject as invalid.

(5) After declaring the result of the election under sub-rule (7) of rule 14, and reporting the same under sub-rule (9) of that rule, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and shall thereafter cause them to be destroyed unless otherwise directed by an order of Commissioners appointed to hold an election inquiry.

(6) During the period for which voting papers and other documents relating to the election are retained by the Returning Officer under the provisions of sub-regulation (5), they shall not be produced except under the orders of a competent court or of Commissioners appointed to hold an election inquiry.

### FORM I.

(SEE REGULATION II.)

#### *Electoral Roll of the Burma Constituency.*

Serial No.	Name of Elector.	Name of Elector's father.	Address	Qualification.
(1)	(2)	(3)	(4)	(5)

### FORM II.

(SEE REGULATION X.)

#### *Declaration Paper.*

I hereby declare that I am the person whose name appears as No.        on the electoral roll for the Burma Constituency, for the election of one member to the Council of State, and that I have not voted at any other polling station.

Elector.

Signed in my presence by the elector, who is personally known to me (or who has been identified to my satisfaction).

Enrolling Officer.

*N.B.*—Unless the elector makes the above declaration, no ballot paper shall be delivered by the Enrolling Officer to such elector.

## FORM III.

(SEE REGULATION X.)

*Ballot Paper.*

One member is to be elected to the Council of State to represent the Burma Constituency.

The following ( ) candidates have been duly nominated :—

Serial No.	Names and Descriptions of Candidates.	Votes.

*Instructions.*

1. Each elector has one vote.
2. He shall place or cause to be placed a cross (+) opposite the name of the candidate for whom he wishes to vote.
3. The vote shall be invalid if the cross + is placed opposite more than one name, or if it is so placed as to render it doubtful for which candidate the elector intended to vote.
4. Before his vote is marked, the elector shall sign the declaration in Form II in the presence of the Enrolling Officer.
5. This ballot paper shall, when filled in, be deposited in the sealed box provided for the purpose by the Enrolling Officer.

## FORM IV.

(SEE REGULATION X.)

*List of Electors who have recorded their votes under Regulation X (3).*

Serial No.	Name of Elector.	Serial Number on General Roll.

*Enrolling Officer for the district of .....*

## FORM V.

(SEE REGULATION X.)

*List of Electors who have recorded their votes under Regulation X (5)*  
*(Tendered Votes List).*

Serial No.	Name of Elector.	Serial Number on General Roll.	Signature or thumb impression.

*Enrolling Officer for the district of .....*

## FORM VI.

(SEE REGULATION X.)

*List of Electors who have voted under Regulation X (8).*

Serial No.	Name of Elector	Serial Number on General Roll.	Ground of Objection.

*Enrolling Officer for the district of .....*

## FORM VII.

(SEE REGULATION XV.)

*Electoral Roll of the Burma Chamber of Commerce Constituency.*

Serial No	Name of Elector.	Name of the firm, company or other corporation whose rights and privileges of Chamber membership are exercisable by the elector.	Address.

## FORM VIII.

(SEE REGULATION XXII.)

*Declaration paper.*

I hereby declare that I am the person  
entitled to vote on behalf on the firm whose  
name appears as No. \_\_\_\_\_ on the electoral roll for the  
Burma Chamber of Commerce Constituency, for the election of  
one member to the Council of State.

Verified.

*Elector.**Secretary to the Burma Chamber of Commerce.*

*N.B.*—Unless the elector makes the above declaration, the envelope contain-  
ing his ballot paper will be destroyed

## FORM IX.

(SEE REGULATION XXII.)

*Ballot Paper.*

One member to be elected to the Council of State to represent the Burma Chamber of Commerce Constituency.

The following ( ) candidates have been duly nominated :—

Serial No.	Names and Descriptions of Candidates.	Votes.

*Instructions*

1. Each elector has one vote.
2. He shall vote by placing or causing to be placed a cross (+) opposite the name of the candidate for whom he wishes to vote.
3. The vote shall be invalid if the cross is placed opposite more than one name, or if it is so placed as to render it doubtful for which candidate the elector intended to vote.
4. After marking his vote, the elector shall place the voting paper in a sealed envelope, and forward it, together with the declaration form duly filled up, by registered post to the Secretary to the Burma Chamber of Commerce.

## FORM X.

(SEE REGULATION XXII.)

*List of Electors whose Declaration Papers have been verified under Regulation XXII, Clause (4).*

Serial No.	Name of Elector.	Serial Number and Electoral Roll.

*Secretary to the Burma Chamber of Commerce.*

## FORM XI.

(SEE REGULATION XXII.)

*List of Electors whose Sealed Envelopes have been dealt with under  
Clause (5) of Regulation XXII (Tendered Votes List.)*

Serial No.	Name of Elector.	Serial Number on General Roll.

*Secretary to the Burma Chamber of Commerce.*

## FORM XII.

(SEE REGULATION XXII )

*List of Electors whose right to vote has been disputed under Regulation  
XXII, Clause (6).*

Serial No.	Name of Elector.	Serial number on Electoral Roll.	Ground of Objection.

## VII—Bihar and Orissa.

NOTE.—

<i>Constituencies.</i>	<i>No. of members.</i>
<i>Non-Muhammadan</i> . . . . .	2*
<i>Muhammadan</i> . . . . .	1

\*A third member is to be elected to every alternate Council.

**Council of State [Bihar and Orissa] Electoral Regulations [Legislative Department Notification No. F. 44-VII/24-A. and C., dated the 15th September 1924.]**

### PREPARATION OF ELECTORAL ROLL.

1. In these regulations "Registration Officer" means the Deputy <sup>Registration</sup> Secretary to the local Government in the Legislative Department <sup>Officer.</sup> and includes any person whom the Registration Officer may for the time being, subject to the control of the local Government, depute to perform any of his duties.

#### *Draft electoral roll.*

2. The electoral roll, which shall be in Form VI, shall contain <sup>Electoral</sup> the name, father's or husband's name (except in the case of European <sup>roll.</sup> electors), address and qualification of each elector and the registration area. In the case of a property qualification the amount of local rates or taxes, local cess, revenue or rent which the elector is liable to pay, shall also be specified, but not the amount of income-tax.

3. The electoral roll shall be prepared in English by districts <sup>Publication</sup> and the roll so prepared shall be published at the Office of the Regis- <sup>of electoral</sup> tration Officer and except in the district of Angul, at the office of <sup>roll.</sup> every District Magistrate and Subdivisional Officer.

4. The publication of the electoral roll shall be made by post- <sup>Method of</sup> ing in a conspicuous manner simultaneously at the places pres- <sup>publication</sup> cribed in regulation 3 a copy of the roll together with a notice in <sup>of electoral</sup> Form I stating the mode in which, and the time within which, a <sup>roll.</sup> claim by any person whose name is not entered in the roll for its insertion therein, or an objection by any person, to the inclusion of his own name or the name of any other person on the roll, may be preferred. The electoral roll and notice shall remain posted till the expiry of such time.

*Claims and objections.*

5. The Registration Officer shall without fee on the application of any person supply forms of claims and objections.

6. The time within which claims and objections may be preferred shall be fourteen days from the date of publication of the electoral roll at the office of the Registration Officer.

7. If the Registration Officer is satisfied within seven days after the expiry of the time for preferring claims and objections that in any area within the constituency the publication of the roll has not been adequate to provide for the preferment of claims and objections within the time prescribed by regulation 6 he may order fresh publication for that area, and may extend the time for preferring claims and objections relating to that area up to fifteen days, from the date of such fresh publication.

8. Claims and objections preferred after the expiry of the time prescribed by regulation 6 or 7 as the case may be, or by a person not entitled to prefer the same, shall be summarily rejected

9. (1) A claim or objection shall be preferred in writing and may be presented to the Registration Officer at his office by the claimant or objector or through any person duly authorised by the claimant or objector, or may be sent to the Registration Officer by post.

(2) A claim, which shall be in Form II, shall be accompanied by a declaration that the claimant is not under 21 years of age, that he is a British subject or a subject of a State in India, and shall set forth the qualifications on which the claim is based and the father's or husband's name (except in the case of a European) and the address of the claimant

(3) An objection, which shall be in Form III, shall state the name, father's or husband's name (except in the case of a European), and address of the objector, his number on the electoral roll and the area for which he has been entered and the same information in regard to the person against whom the objection is preferred, and shall be signed and dated. Objections shall be preferred in duplicate.

10. The Registration Officer shall maintain a register of all claims and objections preferred to him, and in the case of objections shall notify the person against whom an objection is preferred by sending to him by registered post a copy of the objection.

11. The Registration Officer shall as soon as conveniently may be after the expiry of the time for preferring claims and objections, publish lists of claims and objections in Form IV by causing them

to be posted for not less than seven days in a conspicuous manner at his office and at that of every District Magistrate and Subdivisional Officer except in the district of Angul.

*Revision of draft roll.*

12. The Registration Officer shall appoint with the general or <sup>Revising</sup> special approval of the local Government a Revising Authority, or <sup>authorities.</sup> such number of Revising Authorities as he deems necessary, to decide claims and objections, and, when he has appointed more than one Revising Authority, shall distribute to the Revising Authorities for decision the claims and objections in such manner as he thinks fit and may transfer the decision of claims or objections from one Revising Authority to another.

13. The Revising Authority shall publish a notice in Form V <sup>Revising</sup> of the date, time and place of hearing claims or objections which <sup>authority</sup> shall remain posted for seven days before the hearing of the claims <sup>to notify</sup> and objections at the places prescribed in regulation II for the pub- <sup>time and</sup> lication of lists of claims and objections. In choosing the place of <sup>place for</sup> hearing the Revising Authority shall have regard to the conve- <sup>hearing</sup> nience of the parties concerned. <sup>claims and</sup> <sup>objections.</sup>

14. (1) At the time fixed for the hearing the Revising Authority <sup>Hearing of</sup> shall hold a summary enquiry into each claim and objection pre- <sup>claims and</sup> ferred and shall record his decision in writing, provided that he may, <sup>objections,</sup> if he thinks fit, adjourn the enquiry to a date, time and place which <sup>and power</sup> shall be specified in the order of adjournment. <sup>for Revising</sup> <sup>Authority</sup> <sup>to order</sup> <sup>corrections.</sup>

(2) For the purpose of the Revising Authority's enquiry the roll as published shall be presumed to be correct and complete until the contrary is proved.

(3) The Revising Authority may of his own motion order the correction of any clerical error or incomplete entry in the roll as published, which he is satisfied should be made, and order to be expunged from the roll any incomplete entry or the name of any person—

- (a) whose qualification as entered in the list is insufficient to entitle him to be registered ;
- (b) who is incapacitated from voting by reason of any of the disqualifications set out in rule 7 of the Council of State Electoral Rules ,
- (c) who is proved to him to be dead ; or
- (d) who has been entered in more than one place on the roll of the same constituency. from such other place or places ;

Provided that—

- (1) before passing an order under clause (a) or (b) the Revising Authority shall, if this can conveniently be done, give an opportunity to any person concerned to be heard : and

- (2) before passing an order under clause (d) the Revising Officer shall issue a notice upon the person whose name has been entered more than once on the roll informing him that he may select, within such time as the Registration Officer may allow in this behalf, the entry to be retained.

Registration Officer to give effect to the orders of the Revising Authority.

15. The Revising Authority shall report to the Registration Officer his decision on all claims and objections disposed of by him and the orders made on his own motion, and the Registration Officer shall amend the roll in accordance with such decisions and orders.

*Final publication of roll.*

Final publication of roll.

16. The roll after it has been amended shall be republished under the authority of the Registration Officer by posting it in a conspicuous manner at his office, and at the office of every District Magistrate except the District Magistrate of Angul. Such number of copies of the roll as republished as the Registration Officer deems to be sufficient shall be kept by him for sale.

Deposit of certified copies of electoral roll.

17. Two copies of the roll as finally published shall be certified by the Registration Officer and deposited in the record room of the Bihar and Orissa Civil Secretariat.

*Savings.*

Savings in regard to publication

18. Where it is prescribed that the electoral roll or any list or notice relating thereto shall be published by posting at specified places and for a specified period of time, failure to publish for the prescribed time at any such places shall not invalidate the publication; provided that reasonable precautions have been taken by the officer responsible for such publication to secure publicity. The publication at any place of an extract from the electoral roll or any list relating thereto shall, so far as the portion of the constituency for which such place has been prescribed as a place of publication is concerned, be deemed to be sufficient publication of such roll or list, provided that the extract contains the information which relates to that portion of the constituency.

Savings in regard to entries of names and places.

19. No misnomer or inaccurate description of any person or place on the electoral roll or in any list or notice relating thereto shall prejudice the operation of these regulations in respect of such person or place, provided that the person or place is so designated as to be commonly understood.

*Amendment of electoral rolls.*

Amendment of electoral rolls.

20. Applications under sub-rule (6) of rule 9 for amendment of any electoral roll published under regulation 16 may be made to the Registration Officer of the constituency concerned. The Registration Officer shall forward them to the local Government and, in cases where the Governor-General in Council directs the preparation

of a list of amendments, shall deal with such applications in the manner prescribed in regulations 9 to 15 for the treatment of claims and objections: Provided that where any such application is made for the correction of any existing entry in the electoral roll and the Registration Officer is satisfied after personally hearing the applicant that the entry relating to him is erroneous or defective in any particular he may amend the roll or cause it to be amended accordingly.

## CONDUCT OF ELECTIONS.

### *The appointment of a Returning Officer*

21. The Returning Officers for the constituencies mentioned in the first column of the Schedule hereto annexed shall be the persons respectively specified in the corresponding entry in the second column thereof. Returning Officer.

22. (1) The persons specified in the third column of the said Schedule may, subject to the control of the Returning Officer, perform all or any of the functions of the Returning Officer in the constituencies respectively specified in the corresponding entry in the first column thereof.

• Provided that no such person shall perform any of the functions of a Returning Officer which relate to the acceptance of a nomination paper or to the scrutiny of nominations or to the counting of votes, unless the Returning Officer is unavoidably prevented from performing the same in which case the said functions may be performed in any constituency by the person specified in the corresponding entry in the third column of the Schedule.

(2) References to the Returning Officer in these regulations shall, unless a contrary intention appears, be deemed to include any person when performing any duty or function which he is authorised to perform under sub-regulation (1)

### *Scrutiny of nominations.*

23. On the date appointed by the local Government for the scrutiny of nominations under sub-rule (2) of rule 11 the candidates, their election agents, one proposer and one seconder of each candidate, and one other person duly authorized in writing by each candidate, but no other person, may attend at such time and place as the Returning Officer may appoint, and the Returning Officer shall give them all reasonable facilities for examining the nomination\* papers of all candidates which have been delivered within the time and in the manner prescribed in rule 11. Scrutiny of nominations

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\*Forms of nomination paper will be supplied free of cost by the Returning Officer on application by candidates.

24. (1) The Returning Officer shall examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds :—

- (i) that the candidate is ineligible for election under rule 5 or rule 6 ;
- (ii) that a proposer or seconder is disqualified for subscribing a nomination paper under sub-rule (4) of rule 11 ;
- (iii) that there has been any failure to comply with any of the provisions of rule 11 or rule 12 ;
- (iv) that the candidate or any proposer or seconder is not identical with the person whose electoral number is given in the nomination paper as the number of such candidate, proposer or seconder, as the case may be ;
- (v) that the signature of the candidate or of any proposer or seconder is not genuine or has been obtained by fraud.

(2) For the purposes of this regulation,—

- (a) the production of a certified copy\* of an entry made in the electoral roll of any constituency shall be conclusive evidence of the right of any elector named in that entry to stand for election or to subscribe a nomination paper, as the case may be, unless it is proved that the candidate is disqualified under rule 5 or rule 6 or as the case may be, that the proposer or seconder is disqualified under sub-rule (4) of rule 11 ; and
- (b) where a person has subscribed whether as proposer or seconder a larger number of nomination papers than there are vacancies to be filled, those of the papers so subscribed which have been first received, up to the number of vacancies to be filled, shall be deemed to be valid.

(3) Nothing contained in clause (ii), clause (iii), clause (iv), or clause (v) of sub-regulation (1) shall be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

Acceptance  
or rejection  
of nomination  
paper.

25. (1) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, or is accepted after objection has been taken to its validity, shall record in writing a brief statement of his reasons for such rejection or acceptance.

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\*A certified copy of an entry in the roll will be supplied by the District Magistrate on payment of the prescribed fees.

- (2) The scrutiny shall be completed on the day appointed in this behalf under clause (b) of sub-rule (2) of rule 11 and no adjournment of the proceedings shall be allowed. Completion of scrutiny of nomination papers.

26. On completion of the scrutiny of nominations and after the expiry of the period within which candidatures may be withdrawn under sub-rule (8) of rule 11, the Returning Officer shall forthwith prepare a list of valid nominations and cause it to be affixed in some conspicuous place in his office. Preparation of list of valid nominations.

27. If the number of duly nominated candidates is greater than the number of vacancies the Returning Officer shall forthwith publish in the *Bihar and Orissa Gazette*, and in such other manner as the local Government may prescribe, and in such places in the constituency as he may consider necessary, the names of the candidates as given in the nomination papers in alphabetical order. Publication of names of candidates.

### Voting.

28. The local Government shall appoint the hour at which the poll shall commence and the hour at which it shall close on the date appointed for the poll under clause (c) of sub-rule (2) of rule 11. The hours so fixed shall be published by notification in the *Bihar and Orissa Gazette* and in such other manner as the local Government may prescribe. Appointment and notification of time for polling votes.

29. Not less than fifteen clear days before the date fixed for the poll, the Returning Officer shall send by registered post a declaration paper and a ballot paper (hereinafter referred to collectively as voting papers) to each elector to the address entered against his name in the electoral roll. Elector to be furnished with declaration and ballot papers.

30. The declaration paper shall be in Form VII and the ballot paper in Form VIII. To each elector shall be issued the voting papers whose serial numbers correspond to the number which the elector bears on the electoral roll. The same serial number shall be entered on the face of the declaration paper and on the back of the ballot paper. Preparation of voting papers.

31. Before the election papers are issued to an elector, the Returning Officer shall—

- (a) have the name of the elector entered on the declaration paper ; and
- (b) place his initials against the name of the elector concerned in the electoral roll, or the copy of it, used for the purpose of the election.

32. With the voting papers, the Returning Officer shall send an envelope addressed to himself in Form IX, a smaller envelope with the number of the ballot paper entered on its face and a letter in Form X. The Returning Officer shall have the number of the ballot paper entered at the left-hand bottom corner of the larger envelope.

Method of recording vote.

33. Each elector upon receipt of his voting papers, if he desires to vote in the election shall first sign the declaration in the presence of an Attesting Officer who shall attest his signature, whereupon the elector may record his vote on the ballot paper.

Attestation of declaration of vote.

34. Any Gazetted Officer of Government may attest the declaration.

Method of returning ballot papers.

35. After recording his vote the elector shall enclose his ballot paper in the smaller envelope, fasten up the smaller envelope and enclose it with the declaration paper in the larger envelope which he shall send by post to the Returning Officer so as to reach him not later than the hour fixed under regulation 28 for the closing of the poll. Envelopes received after that hour shall be rejected :

Provided that the elector may at his option, instead of sending the envelope to the Returning Officer by post, deposit it in a ballot box which shall be provided for the purpose at the office of the Returning Officer during the hours fixed for the poll under the aforesaid regulation.

Inability to record vote owing to incapacitation.

36. If an elector is incapacitated, from blindness or other physical cause, from voting in the manner prescribed above, it shall be competent for him to make his declaration and to record his vote by the hand of any officer empowered to attest his declaration ; and such officer shall certify on the declaration paper the incapacity and attest the fact of his having been requested by the elector to sign the declaration paper and to mark the ballot paper for him and of their having been so signed and marked by him in the presence of the elector.

Circumstances in which new voting papers may be obtained.

37. An elector who has not received his voting papers, or whose voting papers before their despatch back to the Returning Officer, have been inadvertently spoilt in such manner that they cannot be conveniently used as such, or who has lost his voting papers may, on making a declaration to that effect, obtain from the Returning Officer new voting papers. In every case when new voting papers are issued a mark shall be placed against the number of the elector's name in the roll to denote that new papers have been issued in place of those not received, spoilt or lost, as the case may be.

Non-receipt of voting papers does not invalidate election.

38. No election shall be invalidated by reason that an elector has not received the voting papers duly sent to him under these regulations.

#### *Counting of votes.*

Counting of votes.

39. The Returning Officer shall, as soon as may be practicable after the close of the poll, fix a date, time and place for the counting of votes, and shall give notice in writing thereof to all candidates and their election agents.

40. (1) No person shall be allowed to be present at the counting of the votes except the Returning Officer and such persons as he may appoint to assist him in counting the votes, and such other persons as have a right to be present under sub-rule (6) of rule 14. Persons authorised to witness counting of votes.

(2) No person shall be appointed to assist in counting the votes who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

41. On the day and at the time appointed under regulation 39 the Returning Officer shall before he commences to count the votes read the provisions of section 14 of the Indian Elections Offences and Inquiries Act, 1920, to such persons as may be present, and shall then proceed as follows :— Procedure in counting votes.]

- (a) The envelopes in Form IX received from electors by the Returning Officer, except those rejected under regulation 35, shall first be arranged serially according to the numbers entered on them and shall then be opened by the Returning Officer or in his presence. The Returning Officer shall first ascertain or cause to be ascertained whether the numbers on the declaration papers and the smaller envelopes containing the ballot papers are correct.
- (b) If the Returning Officer is satisfied on this point and if the declaration and attestation appear to be regular, he shall file the declaration papers and put the closed envelopes containing the ballot papers in a separate heap.
- (c) Where the Returning Officer is not satisfied that a declaration paper is the one sent out by him to the elector concerned, or where the declaration or attestation is not in order or where the elector has failed to comply with the provisions of regulation 35, he shall endorse the word "rejected" on the back of the declaration paper and keep it with the connected ballot paper in a separate bundle.
- (d) The envelopes containing the ballot papers except those rejected under regulation 35 or clause (c) of this regulation shall then be opened, the papers examined, and the votes counted by the Returning Officer, or under his supervision.
- (e) The Returning Officer shall allow the candidates, their election agents and any representatives duly authorised under sub-rule (6) of rule 14 reasonable opportunity to inspect, without handling, the ballot papers and shall on every ballot paper which is rejected endorse the word "rejected". If any candidate, election agent or representative present questions the correctness of the rejection the Returning Officer shall also record on the ballot paper the grounds for the rejection. No candidate, agent or representative shall be allowed to see the serial number on the back of any ballot paper.

Counting  
of votes  
and custody  
of ballot  
papers.

42. The Returning Officer shall, as far as practicable, proceed continuously with the counting of the votes, and shall during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets and other documents relating to the election under his own seal and the seals of such candidates, agents or representatives as may desire to affix their seals, and shall cause adequate precautions to be taken for their custody.

Rejection  
of ballot  
papers.

43. (1) A ballot paper shall be rejected if—

- (a) it has not been issued by the Returning Officer ;
- (b) no vote is recorded thereon ;
- (c) it is void for uncertainty ;
- (d) it bears any mark by which the elector can be identified;

(2) The decision of the Returning Officer as to the validity of a ballot paper shall be final, subject only to reversal on an election petition claiming the seat.

Sorting of  
election  
papers.

44. Upon the completion of the counting the Returning Officer shall seal up in separate packets—

- (1) the counted ballot papers ;
- (2) the rejected declaration papers and connected ballot papers;
- (3) the ballot papers rejected at the count ;
- (4) the file of declaration papers ; and
- (5) the marked copy of the electoral roll.

45. The Returning Officer shall then prepare and certify a return in Form XI setting forth :—

- (1) the names of the candidates for whom valid votes have been given ;
- (2) the number of valid votes given for each candidate ;
- (3) the name or names of the candidate or candidates elected ; and
- (4) the number of votes declared invalid ;

and shall permit any candidate, election agent, or any representative duly authorised under sub-rule (6) of rule 14 to take a copy or an extract from such return.

Returns of  
elections.

46. The Returning Officer shall after reporting the result of the election under rule 14—

- (1) forward a copy of the return to the Chief Secretary to the local Government and also to the Secretary to the Government of India in the Legislative Department ; and
- (2) forward the original return and all the packets relating to the election in his possession to such officer, as may be appointed by the local Government in this behalf.

47. While in the custody of the officer to whom they have been so forwarded, the packets of ballot papers whether counted or rejected and the rejected declaration papers and connected ballot papers and the file of declaration papers shall not be opened and their contents shall not be inspected or produced except under the order of a competent Court or of Commissioners appointed to hold an inquiry in respect of an election, but all other documents relating to the election shall be open to public inspection subject to such conditions and to the payment of such fee, if any, as the local Government may impose.

48. The packets aforesaid shall be retained for a period of one year and shall thereafter be destroyed subject to any direction to the contrary made by the local Government, or by a competent Court or by Commissioners appointed to hold an inquiry in respect of an election.

*Custody and preservation of election papers.*

49. The following regulations shall be observed for the custody and preservation, inspection, and production of ballot papers and other election papers enumerated below :—

- (1) The preliminary electoral rolls published under regulation 3 at the office of the Registration Officer.
- (2) Claims and objections having reference to the preliminary rolls and registers recording such claims and objections.
- (3) Final electoral rolls.
- (4) Nomination papers of candidates and notices of withdrawal from candidature.
- (5) List of candidates nominated.
- (6) Letters of appointment of election agents and notices of the revocation of such appointments.
- (7) Returns of the Returning Officers prepared under regulation 45 and ballot paper accounts.
- (8) Returns of election expenses and the declarations of candidates and their agents relating thereto.

50. Of the above papers items, 1, 2 and 3 shall be preserved until after the next revision of the electoral rolls of the constituencies to which they relate and shall then be destroyed or sold as waste paper. The papers under item 1 shall be kept by the Registration Officer while those under items 2 and 3 shall be kept in the Record Room of the Magistrate of the district to which they relate.

51. Items 4, 5 and 6 for the different constituencies shall be preserved by the Returning Officer. These papers shall be destroyed after three years unless their retention for a longer period is ordered by the local Government.

52. Item 7 shall be kept by the Returning Officer and shall be destroyed together with the ballot papers after one year unless their retention for a longer period is ordered by a competent authority.

53. Item 8 shall be kept by the Returning Officer and shall be destroyed after five years.

Preserva-  
tion of  
election  
petitions.

54. Election petitions with the proceedings and reports of the Election Commissioners thereon shall be kept in the Legislative Department of the Government of India and shall be destroyed after three years unless their retention for a longer period is ordered by the Secretary in the said Department.

Right of  
inspection of  
election  
papers.

55. The public shall have a right on payment of a fee of Rs. 2 to inspect the papers in items 1 to 7 of regulation 49 and to obtain certified or attested copies of any of the papers preserved under that regulation on payment of the same fees as are prescribed for copies of the Revenue Records in paragraphs 286, 287, 310 and 311 of the Bihar and Orissa Records Manual.

#### SCHEDULE.

(See Regulation 21.)

Serial No	Name of constituency.	Returning Officer.	Extra Returning Officer.
	1	2	3
1	Bihar and Orissa (Non-Muhammadian)	The Deputy Secretary to the Government of Bihar and Orissa, Legislative Department, Patna.	The Under Secretary to the Government of Bihar and Orissa, Political and Appointments Department
2	Bihar and Orissa (Muhammadian).	Ditto	Ditto.

#### FORM I.

(See Regulation 4.)

#### NOTICE OF PUBLICATION OF THE ELECTORAL ROLL.

The electoral roll of.....constituency has been duly published on the date given below. Any person who claims to be entitled to be registered as an elector and who is not entered in the roll or is entered in an incorrect place or manner or with incorrect particulars may claim to be registered or registered correctly. The petition of claim shall be preferred in Form II and shall include a declaration that the claimant has attained the age of 21 years, is a British subject or is qualified as a subject of a State in India and

shall set forth the qualifications on which the claim is based, the father's or husband's name and the address of the claimant and shall be signed and dated.

Any person whose name is entered on the roll and who objects to the inclusion of his own name or of the name of any other person entered on the roll may prefer an objection to the Registration Officer. The petition of objection shall be preferred in Form III and shall contain the name, father's or husband's name, and address of the objector and the nature and grounds of the objection and the name and father's or husband's name of the person against whom the objection is preferred and shall be signed and dated. Petitions of objection shall be preferred in duplicate.

Each claim or objection shall be made in a separate petition which may be presented at the office of the Registration Officer by the claimant or objector personally, or by any person duly authorized by the claimant or objector or may be sent to the Registration Officer by post within 14 days of the date of publication of this notice.

Signature of Registration Officer.....

Designation .....

Date of Publication.....

## FORM II.

(See Regulation 9.)

Notice of claim for Registration  
correction of registry

To the Registration Officer of .....constituency.

I hereby give notice that I claim to have the registry of my name  
my name  
corrected in the roll of electors for the.....constituency  
entered  
of.....as follows :—

Name of claimant and claimant's father or husband.	Address— Village, Thana and Post Office.	Qualifications.

I declare that I am a British subject  
subject of State in India, and that I  
have attained the age of 21 years.

Date.....

Signature of claimant.

## FORM III.

(See Regulation 9.)

Notice of objection to registration (to be presented in duplicate).

To the Registration Officer of.....constituency.

I hereby give notice that I object to the name of the person/ mentioned and described below being retained in the electoral roll of the constituency of.....

Name of person objected to.	Number in preliminary roll.	Nature of objection.

Date..... Signature of objector.....

Father's or husband's name.....

Address .....

Number in preliminary roll .....

## FORM IV.

(See Regulation 11.)

List of claims and objections for the.....constituency.

The following persons have made claims for registration :—

District.	Serial No.	Name of claimant.	Father's or husband's name.	Address.	Class of qualifications.

The following objections have been received regarding entries in the roll for the.....constituency :—

District.	Sub-division or Municipality.	Serial No.	Name of person against whom the objections preferred and number on roll.	Father's or husband's name	Address.	Name of objector and number on roll.	Father's or husband's name	Address.
1	2	3	4	5	6	7	8	9

Signature of the Registration Officer.....

Designation.....

Date of Publication .....

#### FORM V.

(See Regulation 13.)

Notice is hereby given that claims and objections relating to the electoral roll of the.....constituency, preferred by persons registered in the\*.....will be heard by me at the places and on the dates noted below, commencing at the hour of.....

Date..... Signature of Revising Officer.....

\* Here note the portion of the constituency covered by this notice, *e.g.*, name of subdivision or municipality.

#### FORM VI

(See Regulation 2.)

FORM OF ELECTORAL ROLL FOR THE BIHAR AND ORISSA  
NON-MUHAMMADAN  
MUHAMMADAN CONSTITUENCY.

District.....

Subdivision.....

Serial No.	Name of elector.	Father's or husband's name.	Postal address of elector.	Whether he is a proprietor, tenure holder, income-tax payer, etc.	Qualifications.
1	2	3	4	5	6

## FORM VII.

(See Regulation 30.)

*Declaration paper.*

Council of State.

Constituency. Election.

Serial No.

Elector's name and number on  
the roll.

Elector's declaration.

I (name in full  
and designation)  
declare that I am an elector for this  
constituency and have signed no  
other voting paper at this election  
for this constituency.

Signature of elector .....

Address .....

Signed in my presence by the elector  
who is personally known to me.  
who has been identified to my satisfaction.

## FORM VIII.

(See Regulation 30.)

*Ballot paper.*

Council of State.

Constituency. Election.

Names of can-  
didates.Mark showing  
the elector's  
choice.

(1) The number of members for  
whom you may vote is—

(2) Place a cross mark thus ×

against the name of the candi-  
each of the

date  
candidates for whom you wish to  
vote

(3) The mark should be placed

against not more than name.  
names.

Date.....

Signature .....

\*Official designation .....

\* This must be signed by a gazetted officer.

## FORM IX.

(See Regulation 32.)

(Face of envelope.)

Council of State election.

Constituency—Bihar and Orissa Muhammadian  
Non-Muhammadian

Poll on.....

To

The Returning Officer,

.....constituency.

.....(station and address).

## FORM X.

(See Regulation 32.)

Form of letter of intimation.

Bihar and Orissa Muhammadian  
Non-Muhammadian constituency.

SIR,

The persons whose names are printed on the ballot-paper sent herewith have been nominated as candidates for the Council of State. Should you desire to vote at this election, I have to request that you will—

- (a) first sign the declaration paper in presence of an Attesting Officer ;
- (b) then mark your vote in the column provided for the purpose in the ballot paper ;
- (c) enclose the ballot paper in the smaller envelope ; and
- (d) put the smaller envelope and the declaration paper in the envelope addressed to me and return it to me by post so as to reach me not later than A.M.  
F.M. on the  
day of 193 .

Station

Signed.

Dated

Returning Officer.

NOTE.—The District Magistrate, Subdivisional Officer or any gazetted officer of Government may attest the declaration.

## FORM XI.

*(See Regulation 45.)**Return of election.*

Name of candidate.	Number of votes recorded in his favour.
1	2
(1)	
(2)	
etc., etc.	

Total number of valid votes....

Total number of invalid votes....

I declare that has  
have been  
duly elected.

Signature.  
Returning Officer.

### VIII.—Central Provinces

NOTE—.

<i>Constituencies.</i>	<i>No. of members.</i>
<i>General</i> . . . . .	<i>1</i>

• **Council of State [Central Provinces] Electoral Regulations Legislative Department Notification No. 189, dated the 29th August 1923.**

#### I.—REGULATIONS UNDER RULE 9 (2).

1. In these regulations the “Returning Officer” means the person appointed as such for the constituency by regulation 1 made under rule 15. Returning Officer.

2. (i) Each Deputy Commissioner shall prepare an electoral roll for that part of the constituency which is included in his jurisdiction, and shall submit the roll to the Returning Officer in time to allow of the roll being published on the appointed date in the manner prescribed in these regulations. Preparation of electoral roll.

• (ii) The electoral roll shall show the name, father's name, age, residence and serial number of the elector and the nature of his qualification.

(iii) The Deputy Commissioner shall cause the roll to be printed in the vernacular of the district, provided that the roll for any area in which European or Anglo-Indian voters are numerous may be printed in English as well as in the vernacular.

(iv) Candidates shall be entitled to purchase from the Deputy Commissioner at a fair price, a reasonable number of copies of the roll of the constituency or of so much of the roll as relates to that part of the constituency which lies in his district.

(v) There shall be a separate serial number for the electors of so much of the constituency as lies in each district.

3. On or before a date to be notified by the local Government in that behalf, the Deputy Commissioner shall notify to the public in every ward of a Municipality, Cantonment or Notified Area and in every Railway settlement and village included in that part of the constituency which falls in his district, that the electoral roll of the constituency has been published and may be inspected at the headquarters of the Returning Officer and the headquarters station of the district. Publication of roll.

4. (i) To the copies of the electoral roll published under Regulation 3, a notice shall be affixed intimating that any person whose name is not entered in the roll and any person whose name is in the roll and who objects to the inclusion of the name of any person in the roll, may prefer a claim or an objection in the manner and within the time specified below to the Revising Authority specified in the notice. Presentation of claims and objections.

(ii) Such claim or objection shall be in writing, and shall be delivered or sent by post, together with four copies so as to reach the Revising Authority within one month from the date on which the roll was published : it shall be verified by the claimant or objector in the manner provided for the verification of plaints in the Code of Civil Procedure, 1908.

(iii) Such claim or objection shall specify the grounds on which the right of any person to be entered in the roll is asserted or denied, the evidence which the petitioner intends to lead, the name and address of the claimant or objector, his number, if any, in the electoral roll, and in the case of an objection the name, address and number in the electoral roll of the person to whose entry objection is taken.

(iv) A claim or objection not lodged in the manner or within the period herein prescribed or by a person not entitled to lodge the same shall be rejected.

**Revising  
Authority.**

5. (i) The Revising Authority shall be the Senior Judge stationed at the headquarters of the revenue district in which the portion of constituency in respect of which the claim or objection has been made, is situated.

(ii) If it appears to the Revising Authority that he will be unable to decide all claims and objections within one month from the latest date fixed for presentation of claims and objections, he may transfer any claim or objection for hearing to any Judge serving in the revenue district or to any retired Judge or Magistrate competent and willing to undertake the duty. Such Judges and such retired Judges or Magistrates shall observe the procedure prescribed for the Revising Authority by Regulation 6.

**Hearing of  
claims and  
objections.**

6. (i) The Revising Authority, on receipt of a claim or objection lodged in the manner herein prescribed, and by a person entitled to lodge such claim or of such date and objection, shall fix a date and place for hearing the same and shall give notice of such date and place to the claimant or objector : the Deputy Commissioner concerned shall be made a party to such claim or objection and shall be supplied with a copy of the same and with notice of the date and place fixed for hearing. Where objection is taken to the entry of any person in the register a copy of the objection with a notice of the date and place of hearing shall be sent to such person. A copy of the claim or objection stating the date and place fixed for hearing shall be placed on the Judge's notice board and displayed in a public place in the village or town in which the claimant resides or in the case of an objection in which the person whose entry is contested resides. The notices issued under this sub-clause shall require the parties concerned to produce on the date fixed for hearing any evidence, oral or documentary, on which they rely.

(ii) Where any copy or notice is to be sent under clause (i), such copy or notice shall be sent by post to a claimant or objector to the address given in the claim or objection and to a person objected to, to the address given in the electoral roll: a copy or notice so sent shall be deemed to have been duly served.

(iii) The Revising Authority after hearing the evidence, if any, adduced on behalf of the parties and after such further inquiry as he may deem necessary, shall pass order on the claim or objection and such order shall be final.

(iv) The record or proceedings shall consist of the claim or objection, a note of the date and place of hearing and of the attendance of parties and witnesses and an order stating, as briefly as possible, the decision and the grounds therefor.

(v) Appearance by counsel shall not be permitted.

(vi) The Revising Authority shall forthwith send a copy of his order to the Deputy Commissioner.

7. The Deputy Commissioner shall correct the roll in accordance with such orders, if any, as may have been received from the Revising Authority, and, on or before the date fixed by the local Government in this behalf, shall publish the roll, as amended or if no orders amending the roll have been received from the Revising Authority, without alteration, at his headquarters and shall forward a copy of the roll as amended to the Returning Officer for publication at the headquarters of that officer.

## II.—REGULATIONS UNDER RULE 9(6).

1. (1) Applications under sub-rule (6) of rule 9 for the amendment of an electoral roll for the time being in force may be made to the Returning Officer of the constituency concerned. The Returning Officer shall forward them to the local Government.

(2) The Regulations made under rule 9 (2) shall apply, as far as may be, to the preparation of lists of amendments under rule 9 (6) of the said rules.

2. Where any such application is made for the correction of any existing entry in the electoral roll and the Returning Officer is satisfied after personally hearing the applicant that the entry relating to him is erroneous in any particular he may amend the roll or cause it to be amended accordingly.

## III —REGULATIONS UNDER RULE 15.

1. The Returning Officer for the Central Provinces Constituency shall be the Chief Secretary to the Central Provinces Government.

2. (1) The Legal Secretary to the Central Provinces Government may, subject to the control of the Returning Officer, perform all or any of the functions of the Returning Officer in the constituency :

Returning  
Officer.

Person who  
may perform  
functions of  
Returning  
Officer.

Provided that he shall not perform any of the functions of a Returning Officer which relate to the acceptance of a nomination paper or to the scrutiny of nominations or to the counting of votes, unless the Returning Officer is unavoidably prevented from performing the same.

(2) References to the Returning Officer in these regulations shall, unless a contrary intention appears, be deemed to include the legal Secretary when performing any duty or function which he is authorised to perform under sub-regulation (1).

Persons who  
may attend  
scrutiny of  
nominations.

3. On the date appointed by the local Government for the scrutiny of nominations under clause (b) of sub-rule (2) of rule 11 the candidates, their election agents, one proposer and one seconder of each candidate, and one other person duly authorised in writing by each candidate, but no other person, may attend at such time and place as the Returning Officer may appoint, and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner prescribed in rule 11.

Scrutiny of  
nominations.

4. (1) The Returning Officer shall examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, refuse any nomination on any of the following grounds.—

- (i) that the candidate is ineligible for election under rule 5 or rule 6 ;
- (ii) that a proposer or seconder is disqualified from subscribing a nomination paper under sub-rule (4) of rule 11 ;
- (iii) that there has been any failure to comply with any of the provisions of rule 11 or rule 12 ;
- (iv) that the candidate or any proposer or seconder is not identical with the person whose electoral number is given in the nomination paper as the number of such candidate, proposer or seconder, as the case may be ;
- (v) that the signature of the candidate or of any proposer or seconder is not genuine or has been obtained by fraud.

(2) For the purposes of this regulation—

- (a) the production of any certified copy of an entry made in the electoral roll of any constituency shall be conclusive evidence of the right of any elector named in that entry to stand for election or to subscribe a nomination paper, as the case may be, unless it is proved that the candidate is disqualified under rule 5 or rule 6 or, as the case may be, that the proposer or seconder is disqualified under sub-rule (4) of rule 11, and

(b) where a person has subscribed whether as proposer or seconder a large number of nomination papers than there are vacancies to be filled, those of the papers so subscribed which have been first received, up to the number of vacancies to be filled, shall be deemed to be valid.

(3) Nothing contained in clause (ii), clause (iii), clause (iv) or clause (v) of sub-regulation (1) shall be deemed to authorise the refusal of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

5. (1) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection. Acceptance or rejection of nomination papers.

(2) The scrutiny shall be completed on the day appointed in this behalf under clause (b) of sub-rule (2) of rule 11, and no adjournment of the proceedings shall be allowed.

6. On completion of the scrutiny of nominations and after the expiry of the period within which candidatures may be withdrawn under sub-rule (8) of rule 11, the Returning Officer shall forthwith prepare a list of valid nominations and cause it to be affixed in some conspicuous place in his office. List of valid nominations.

7. If more than one candidate is duly nominated the Returning Officer shall forthwith publish in the Gazette, and in such other manner as the local Government may prescribe, and in such places in the constituency as he may consider necessary, the names of the candidates as given in the nomination papers in alphabetical order. Publication of names of duly nominated candidates.

8. The local Government shall appoint the hour at which the poll shall commence and the hour at which it shall close on the date appointed for the poll under clause (c) of sub-rule (2) of rule 11. The hours so fixed shall be published by notification in the Gazette and in such other manner as the local Government may direct. Polling hours and their publication.

9. (1) The Deputy Commissioner, subject to the control of the Returning Officer, shall forthwith select for each constituency wholly or partly included within his jurisdiction polling stations for the area under his jurisdiction and shall publish in the manner prescribed in regulation 3 of the regulations under rule 9 (2) of the Council of State Electoral Rules, lists showing the polling stations fixed and the areas for which they have been fixed. Arrangement and publication of polling stations.

(2) The Deputy Commissioner shall appoint a presiding officer for each polling station and such other persons (hereinafter referred to as polling officers) to assist the presiding officer as he thinks necessary. Presiding and Polling Officers.

Presiding  
officer to  
keep order at  
polling  
station.

10. (1) The presiding officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time, and shall exclude all other persons except—

- (a) the polling officers, the candidates, and one agent of each candidate (hereinafter referred to as the polling agent appointed in writing by the candidate, and authorised in this behalf by the Returning Officer,
- (b) the police or other public servants on duty, and
- (c) such other persons as the presiding officer may from time to time admit for the purpose of identifying electors.

(2) The presiding officer shall close the polling station at the hour appointed in that behalf by the local Government under regulation 8, so as to prevent the admission thereto of any voter after that hour.

No ballot  
paper to be  
issued after  
closing hour.

11. No ballot paper shall be issued after the closing hour appointed under regulation 8, but any voter who has received his ballot paper before that hour shall be allowed a reasonable opportunity to record his vote.

Polling  
arrangements

12. (1) The Returning Officer shall provide at each polling station materials sufficient for the purpose of enabling voters to mark the ballot papers, instruments for stamping the official mark on such papers, as many ballot boxes as may be necessary, and copies of the electoral roll or of such part thereof as contains the names of the electors entitled to vote at such station.

Official mark  
to be kept  
secret and  
not to be  
repeated  
within seven  
years.

(2) The official mark shall be kept secret, and a period of not less than seven years shall intervene between the use of the same official mark at elections for the same constituency.

Ballot box  
how  
constructed  
and locked.

13. Every ballot box shall be so constructed that the ballot papers can be introduced therein, but cannot be withdrawn therefrom without the box being unlocked. The presiding officer at any polling station, immediately before the commencement of the poll, shall show the ballot box empty to such persons as may be present in such station, so that they may see that it is empty and shall then lock it up and place his seal upon it in such manner as to prevent its being opened without breaking such seal, and shall place it in his view for the receipt of ballot papers and keep it so locked and sealed.

Provisions of  
section 14 of  
Act XXXIX  
of 1920 to  
be read to  
persons pre-  
sent at polling  
station.

14. Before the polling station is open for the recording of votes, the presiding officer shall read to such persons as may be present the provisions of section 14 of the Indian Elections Offences and Inquiries Act, 1920, and shall explain the substance thereof in the vernacular of the district.

15. Immediately before a ballot paper is delivered to an elector, it shall be marked on the back with the official mark, and the number, name and description of the elector as stated in the electoral roll shall be called out, and the number of the elector shall be entered on the counterfoil, and a mark shall be placed in a copy of the electoral roll against the number of the elector, to denote that he has received a ballot paper, but without shewing the particular ballot paper which he has received. On the counterfoil shall be entered the name of the constituency and the name or distinctive number of the polling station. Procedure at poll.

16. The ballot box shall be kept beside the presiding officer, the elector shall record his vote in the voting partition by making a cross against the name of the candidate for whom he desires to vote and shall then place his voting paper in the ballot box in the presence of the presiding officer. More than one elector may be admitted into the voting-partition at the same time. Manner of record of vote.

17. The presiding officer shall give such assistance as may be required to any voter who is incapacitated from voting in the manner prescribed. Assistance to incapacitated voter.

18. At any time before a ballot paper is delivered to an elector, the presiding officer or polling officer may, of his own accord if he has reason to doubt the identity of the elector or his right to vote at such station, and shall, if so required by a candidate or polling agent, put to the elector the following questions :— Procedure in case of doubt of identity of elector.

- (1) Are you the person enrolled as follows (reading the whole entry from the roll) ? and,
- (2) Have you already voted at the present election in this constituency ? and, at a general election,
- (3) Have you already voted at this general election for the Council of State in any other general constituency ?

and the elector shall not be supplied with a ballot paper if he refuses to answer any one of the questions, and unless he answers the first question in the affirmative, the second question in the negative and at a general election, the third question also in the negative

19. The voting paper shall be in Form I appended to these regulations and the names of the candidates shall be printed thereon in the published order ; the number of the voting paper shall be printed on the foil and counterfoil in the reverse. Form of ballot paper.

20. If a person representing himself to be a particular elector named on the electoral roll applies for a ballot paper after another person has voted as such elector, the applicant shall, after duly answering such questions as the presiding officer may ask, be entitled to mark a ballot paper in the same manner as any other voter. Such ballot paper (hereinafter referred to as a tendered Tendered votes.

ballot paper), instead of being put into the ballot box, shall be given to the presiding officer and endorsed by him with the name of the voter and his number on the electoral roll and the name of the electoral area to which the roll relates and shall be set aside in a separate packet and shall not be counted by the Returning Officer. The name of the voter and his number in the electoral roll and the name or distinctive number of the polling station to which the roll relates shall be entered in a list in Form II annexed to these regulations, which shall bear the heading "Tendered votes list." The person tendering such ballot paper shall sign his name and address thereon or affix his thumb impression against the entry in that list.

Challenged  
votes.

21. If any polling agent declares and undertakes to prove that any person by applying for a ballot paper has committed the offence of personation, the presiding officer may require such person to enter in the list of challenged votes (which shall be in Form III annexed to these regulations) his name and address, or, if he is unable to write, to affix his thumb impression thereto and may further require such person to produce evidence of identification. If such person on being questioned in the manner provided in regulation 18 answers the first question in the affirmative and the other questions in the negative, he shall be allowed to vote after he has been informed of the penalty for personation. The presiding officer shall make a note of the circumstances and of his decision on the list of challenged votes.

Spoilt ballot  
papers.

22. A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, on delivering it to the presiding officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt paper, and the latter shall, together with its counterfoil, be marked as cancelled.

Voting  
presiding  
officer,  
polling  
officer  
or  
polling  
agent.

23. (1) A presiding officer, polling officer or polling agent who is on duty at a polling station at which he is not entitled to vote shall, if he is certified by a Returning Officer to be entitled to vote at the election for the constituency in connection with which he is employed or for any other constituency, be allowed to record his vote at that polling station. The name of the polling station at which he would otherwise have been entitled to vote shall be entered in the counterfoil of the ballot paper, together with his number in the electoral roll for the constituency in which that polling station is situated.

(2) Such ballot paper shall be placed in an envelope and sealed by the presiding officer and returned with the certificate referred to in sub-regulation (1) to the Returning Officer who has granted the same, and such Returning Officer shall cause such vote to be included among the other votes given for the candidate designated by the voter.

24. The presiding officer of each polling station, as soon as practicable after the close of the poll, shall, in the presence of any candidates or polling agents who may be present, make up into separate parcels and seal with his own seal and the seal of such candidates or agents as may desire to affix there seal :—

- (1) each ballot box in use at each station unopened but with the key attached ;
- (2) the unused ballot papers ,
- (3) the tendered ballot papers ;
- (4) the spoilt ballot papers ;
- (5) the marked copy of the electoral roll ;
- (6) the counterfoils of the ballot papers ,
- (7) the tendered votes list ; and
- (8) the list of challenged votes ;

and shall forward such packets to the Returning Officer.

25. The packets shall be accompanied by a statement made by the presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt, and tendered ballot papers and ballot papers dealt with under regulation 23.

26. The Returning Officer shall, as soon as may be practicable after the close of the poll, appoint a date, time and place for the counting of votes, and shall give notice in writing thereon to all candidates and election agents.

27. (1) No person shall be allowed to be present at the counting of the votes except the Returning Officer and such persons as he may appoint to assist him in counting the votes, and such other persons as have a right to be present under sub-rule (6) of rule 14.

(2) No person shall be appointed to assist in counting the votes, who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

28. On the day and at the time appointed under regulation 26, the Returning Officer shall read the provisions of section 14 of the Indian Elections Offences and Inquiries Act, 1920, to such persons as may be present, and shall then—

- (a) open the ballot box and separate the voting papers which he deems valid from those which he rejects—endorsing on the latter the word “rejected” and the ground of rejection ;
- (b) reject any voting paper on which the voter has recorded more votes than he is entitled to or has placed more than one cross against any one candidate’s name or which bears any mark by which the voter may afterwards be identified or which is not duly marked ;

- (c) count the valid votes given to each candidate and declare the election of the candidate to whom most valid votes have been given ;
- (d) upon the completion of the counting seal up in separate packets the counted and rejected voting papers, but shall not open the sealed packets of the tendered votes, the marked copies of the roll and the counterfoils, but shall proceed to verify the voting paper account given by each presiding officer under regulation 25 by comparing it with the number of voting papers recorded by him as aforesaid and the unused and spoilt voting papers in his possession and the tendered votes list and shall reseal each sealed packet after examination and record on each packet a description of its contents and the date of the election to which it refers ;
- (e) prepare and certify a return setting forth—
  - (1) the result of the verification referred to in the preceding clause,
  - (2) the names of the persons for whom the valid votes were given,
  - (3) the number of valid votes given for each person,
  - (4) the number of votes declared invalid, and
  - (5) the number of tendered votes given ;
- (f) permit any candidate or his agent to take a copy or an extract from the return.

Custody and  
destruction  
of election  
papers.

29. (1) The Returning Officer, after reporting the result of the election to the Secretary to the Government of India in the Legislative Department under rule 14, shall retain in his custody the return referred to in regulation 28 (e) and the packets referred to in regulation 28 (d) for a period of one year, and shall then, unless otherwise directed by the orders of Election Commissioners, cause them to be destroyed.

(2) The nomination papers of candidates and the withdrawals from candidature shall be kept in the office of the Returning Officer for the constituency to which they relate and shall be destroyed after one year unless otherwise ordered by the Returning Officer.

(3) After the result of the election is notified the following papers and files, namely :—

Preliminary Electoral Rolls (three copies), and

Final Electoral Rolls (all copies), and

Papers and files relating to claims for correction of the Preliminary Roll or for registration and objections to registration and Revising Officers' registers.

shall be forwarded by the officers concerned to the Returning Officer of the constituency to which they relate. The Returning Officer shall keep them in his record-room until the next revision of the Electoral Rolls of the constituency to which they relate has been completed and shall then cause them to be destroyed.

(4) Returns of election expenses and declarations made in respect thereof shall be kept in the office of the Returning Officer for the constituency to which they relate for a period of three years and shall then be destroyed unless otherwise ordered by the Returning Officer.

(5) Lists showing the polling stations fixed and the areas for which they were fixed shall be retained by the Deputy Commissioner in his record-room until the next succeeding election is completed and may thereafter be destroyed.

(6) Election petitions with the proceedings and reports of the Election Commissioners thereon shall be kept in the Legislative Department of the Government of India, and shall be destroyed after three years unless their retention for a longer period is ordered by the Secretary in the said Department.

(7) Preliminary Electoral Rolls in excess of the number prescribed above and other correspondence regarding the preparation of rolls and papers furnished by presiding officers may, except where otherwise provided for by the regulations for the conduct of elections, be disposed of under the orders of the Returning Officer.

30. While in the custody of the Returning Officer the packets of voting papers whether counted, rejected or tendered and the counterfoils thereof shall not be opened and their contents shall not be inspected or produced except under the orders of a competent court or of Election Commissioners. Prohibition against production or inspection of certain papers.

31. (1) All other documents in such custody shall be open to inspection on payment of such fee, if any, as may be prescribed. Application for inspection of such documents may be made to the Returning Officer who shall permit inspection by candidates and their agents and by electors entered in the roll of the constituency. The use of pen and ink will not be allowed. Pencil and paper may be used for the purpose of making such notes as may be necessary for future reference. The Returning Officer or other official deputed by him in that behalf shall see that the above provisions are strictly enforced. Inspection of other papers and grant of copies.

(2) Certified copies of the above-mentioned documents authenticated by the Returning Officer, or any person authorised by him for the purpose, shall be given on payment of the same fees as are prescribed for grant of copies of records kept under the Central Provinces Land Revenue Act, 1917.

Polling Station . . . . .

## FORM III.

## LIST OF CHALLENGED VOTES.

*Signature Sheet No.....*

Number on electoral roll.	Name.	Signature of voter if literate or thumb impression of voter if illiterate.	Name of of identifier, if any.

*Order of Presiding Officer* (in each case).

## IX. Assam.

NOTE —

<i>Constituencies.</i>	<i>No. of members.</i>
Non-Muhammadan } . . . . .	1 (in rotation).
Muhammadan }	

**Council of State (Assam) Electoral Regulations (Legislative  
Department Notification No. 270, dated the 27th December  
1923).**

*Regulations for the Election of Members to the Council of State from  
Assam*

PREPARATION OF ELECTORAL ROLL.

1. (a) On or before such date as may be appointed by the local Government in this behalf, an electoral roll in Form I annexed to these regulations shall be prepared by an officer (hereinafter referred to as the "Registering Authority") specially appointed by the local Government in this behalf

(b) The electoral roll shall be prepared in English

2 (a) On or before the date referred to in regulation 1 the electoral roll shall be published by the Registering Authority who has prepared it.

(b) The portion of the roll relating to each district, sub-division and police station, shall be published at the office of the Deputy Commissioner, the office of the Sub-divisional Officer and the police station, respectively ; and the roll shall also be published in the Assam Gazette.

3. Any person whose name has not been entered in the electoral roll may, on or before such date as may be notified for the purpose which shall be not less than 15 days after the date of publication, submit to the Deputy Commissioner or the Sub-divisional Officer a written claim to be so entered.

4. Any person entered on the electoral roll may, on or before such date as may be notified for the purpose which shall be not less than 15 days after the date of publication, submit to the Deputy Commissioner or the Sub-divisional Officer a written objection to any entry in the electoral roll.

5. All claims and objections shall be published at the headquarters of the district, the sub-division, the police station and the village in which the residence of the person claiming entry or the person against whose entry an objection is lodged, is situated and a notice with a copy of the objection shall also be served on each person against whom an objection is lodged. The notices so published and served shall state the date on which the claims and

objections will be heard, which shall not be less than 10 days after the date of publication and service of notice, and the place where the claims and objections will be heard.

6. The Local Government shall appoint for each constituency one or more Revising Authorities. Such Revising Authority shall hear and decide claims and objections, and after such enquiry and after hearing such persons as may be necessary, may order any addition to, removal from, or alteration in, the electoral roll.

7. When the electoral roll has been amended in accordance with the order of the Revising Authority, it shall be republished in the manner provided in regulation 2.

8. Applications under sub-rule (6) of rule 9 for amendment of any electoral roll republished under regulation 7 may be made to the registering authority for the constituency concerned. The registering authority shall forward them to the Local Government and, if the Governor General in Council directs the preparation of a list of amendments, shall notify a date, not later than one month from the date of the notification directing the preparation of such list, for the submission of claims and objections. These shall be submitted and dealt with in the manner prescribed in regulations 3 to 7 for the submission and disposal of claims and objections.

Provided that where the application under sub-rule (6) of rule 9 is made for the correction of any existing entry in the electoral roll and the registering authority is satisfied after personally hearing the applicant that the entry, relating to him is erroneous or defective in any particular he may amend the roll or cause it to be amended accordingly.

9. For the purposes of these regulations the term "village" shall, in the districts of Sylhet, Cachar and Goalpara mean a Chaukidari circle.

*The appointment of a Returning Officer.*

10. The Returning Officer for the Assam (Non-Muhammadan) and the Assam (Muhammadan) constituencies shall be the Secretary to the Assam Legislative Council.

11. (1) The Under Secretary to the Government of Assam in the Political Department may, subject to the control of the Returning Officer, perform all or any of the functions of the Returning Officer.

Provided that he shall not perform any of the functions of the Returning Officer which relate to the acceptance of a nomination paper or to the scrutiny of nominations or to the counting of votes unless the Returning Officer is unavoidably prevented from performing the same.

(2) References to the Returning Officer in these regulations shall unless a contrary intention appears, be deemed to include the Under Secretary to the Government of Assam in the Political Department when performing any duty or function which he is authorised to perform under sub-regulation (1)

*Scrutiny of nominations.*

12. On the date appointed by the local Government for the scrutiny of nominations under sub-rule (2) of rule 11 the candidates, their election agents, one proposer and one seconder of each candidate and one other person duly authorised in writing by each candidate, but no other person, may attend at such time and place as the Returning Officer may appoint, and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner prescribed in rule 11.

13. (1) The Returning Officer shall examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, refuse any nomination on any of the following grounds —

- (i) that the candidate is ineligible for election under rule 5 or rule 6, or
- (ii) that a proposer or seconder is disqualified from subscribing a nomination paper under sub-rule (4) of rule 11; or
- (iii) that there has been any failure to comply with any of the provisions of rule 11 or rule 12, or
- (iv) that the candidate or any proposer or seconder is not identical with the person whose electoral number is given in the nomination paper as the number of such candidate, proposer or seconder, as the case may be; or
- (v) that the signature of the candidate or of any proposer or seconder is not genuine or has been obtained by fraud.

(2) For the purposes of this regulation :—

- (a) the production of any certified copy of an entry made in the electoral roll of any constituency shall be conclusive evidence of the right of any elector named in that entry to stand for election or to subscribe a nomination paper, as the case may be, unless it is proved that the candidate is disqualified under rule 5 or rule 6 or, as the case may be, that the proposer or seconder is disqualified under sub-rule (4) of rule 11, and

(b) where a person has subscribed whether as proposer or seconder a large number of nomination papers than there are vacancies to be filled, those of the papers so subscribed which have been first received up to the number of vacancies to be filled, shall be deemed to be valid.

3. Nothing contained in clause (ii), clause (iii), clause (iv) or clause (v) of sub-regulation (1) shall be deemed to authorise the refusal of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

14. (1) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected shall record in writing a brief statement of his reasons for such rejection.

(2) The scrutiny shall be completed on the day appointed in this behalf under clause (b) of sub-rule (2) of rule 10, and no adjournment of the proceedings shall be allowed.

15. On completion of the scrutiny of nominations and after the expiry of the period within which candidates may be withdrawn under sub-rule (8) of rule 11, the Returning Officer shall forthwith prepare a list of valid nominations and cause it to be affixed in some conspicuous place in his office

16. If the number of duly nominated candidates is greater than the number of vacancies, the Returning Officer shall forthwith publish in the Gazette, and in such other manner as the local Government may prescribe, and in such places in the constituency as he may consider necessary, the names of the candidates as given in the nomination papers in alphabetical order.

### *Voting.*

17. The Returning Officer shall forward by registered post to each elector the outerfoil of a ballot paper in Form II annexed to these Regulations bearing on each side an official mark, at the same time noting on the corresponding counterfoil the number of the elector on the electoral roll.

18. The elector shall mark a cross against the name of the candidate or candidates for whom he intends to vote on the ballot paper. He shall place the ballot paper in a closed envelope, and return the closed envelope together with a covering letter bearing his signature in a second cover to the Returning Officer so that it shall reach the Returning Officer not later than 5 P.M., on the date appointed by the Local Government for polling under clause (c), sub-rule (2) of rule 11.

19. On receipt of the papers from the elector the Returning Officer shall make a mark against the entry of the elector's name in the electoral roll to denote that the elector has returned a ballot paper, and shall place the closed envelope containing the ballot paper in a securely locked ballot box

20. If a ballot paper is received purporting to come from a particular elector named on the electoral roll after another ballot paper has been received purporting to come from such elector, the closed envelope shall be endorsed by the Returning Officer with the name of the elector and his number on the electoral roll and set aside in a separate packet. The ballot paper contained in such closed envelope shall be treated as a tendered ballot paper and shall not be counted by the Returning Officer.

21. As soon as practicable after the close of the poll the Returning Officer shall make up into separate packets and seal with his own seal.—

- (1) the ballot box unopened but with the key attached ;
- (2) the unused ballot papers ,
- (3) the tendered ballot papers ,
- (4) the marked copy of the electoral roll . and
- (5) the counterfoils of the ballot papers.

22. The Returning Officer shall also prepare a statement in Form III showing the number of ballot papers provided by him and accounting for them under the heads of ballot paper in the ballot box, " tendered ballot papers and ballot papers not returned."

23. Any ballot paper which is not duly marked or on which votes are given to more candidates than there are members to be elected or on which (or on the closed envelope containing which) any mark is made except as provided in regulation 18 by which the voter may afterwards be identified shall be invalid.

#### *Counting of votes.*

24. The Returning Officer shall appoint a date for the counting of votes and shall give notice thereof to the candidates.

On the day appointed the Returning Officer shall :—

- (a) open the ballot box and separate the ballot papers which he deems valid from those which he rejects endorsing on the latter the word 'rejected' and the ground of rejection ;

- (b) Count the valid votes given to each candidate and declare the election of the candidates to whom most valid votes have been given .
- (c) upon the completion of the counting seal up in separate packets the counted and rejected ballot papers, but shall not open the sealed packets of the tendered votes, the marked copies of the roll and the counterfoils but shall proceed to verify the ballot paper account by comparing it with the number of ballot papers recorded by him as aforesaid and the unused ballot papers in his possession and the tendered votes list and shall reseal each sealed packet after examination and record on each packet a description of its contents and the date of the election to which it refers .
- (d) prepare and certify a return setting forth :—
  - (1) the result of the verification referred to in the preceding clause,
  - (2) the names of the persons from whom the valid votes were given,
  - (3) the number of valid votes given for each person,
  - (4) the name of the person elected,
  - (5) the number of votes declared invalid, and
  - (6) the number of tendered votes given :
- (e) permit any candidate or his representative duly authorised in writing to take a copy or an extract from the return.

*Disposal of ballot papers.*

25. The Returning Officer shall, after reporting the result of the election under rule 14, forward the return to the Secretary to the Assam Legislative Council and all the packets relating to the election in his possession to the Inspector General of Registration.

26. While in the custody of the Inspector General of Registration the packets of ballot papers whether counted, rejected or tendered and of the counterfoils thereof, shall not be opened and their contents shall not be inspected or produced except under the order of a competent Court or of Commissioners appointed to hold an inquiry in respect of an election, but all other documents relating to the election shall be open to public inspection subject to such conditions and to the payment of such fee, if any, as the local Government may impose.

27. The packets aforesaid shall be retained for a period of one year and shall thereafter be destroyed subject to any direction to the contrary made by the local Government, or by a competent Court or by Commissioners appointed to hold an inquiry in respect of an election.

*Custody and preservation of election papers.*

28. (1) The following rules shall be observed for the custody and preservation of election papers enumerated below :—

- (i) Preliminary electoral rolls.
- (ii) Claims and objections with reference to the preliminary electoral rolls.
- (iii) Final electoral rolls.
- (iv) Nomination papers of candidates.
- (v) Withdrawal of candidature.
- (vi) Appointment letters of agents of candidates.
- (vii) Lists of candidates nominated
- (viii) Lists of ballot papers attested.
- (ix) Election petitions and proceedings and reports of election Commissioners thereon.
- (x) Returns of election expenses.

(2) With the exception of papers in items (iii), (ix) and (x) of the above list, the said election papers shall be kept in the office of the Returning Officer. Papers relating to claims and objections [item (ii)] decided by Revising Authorities shall be kept until the next revision of the electoral roll of the constituency to which they pertain has been completed, and shall then be destroyed. The other papers shall be kept [excluding those in items (iii), (ix) and (x)] for a period of one year and shall then be destroyed, unless their retention for a longer period is otherwise ordered by competent authority.

(3) Three complete copies of the final electoral rolls relating to each district shall be deposited in the office of the Deputy Commissioner. Two copies of all final rolls for areas comprised within each division shall be kept in the office of the Commissioner. One complete copy of the electoral roll for each constituency shall also be kept for record in the Legislative Department of the Assam Secretariat.

(4) Copies of electoral rolls so deposited shall be preserved permanently and shall, before deposit, be duly authenticated by the Registering Authority.

(5) Printed copies of electoral rolls in excess of the number required for permanent record shall be preserved in the offices of the Commissioners. Spare copies of electoral rolls shall be available for sale to the public for a period of three years from the date of publication, after which they will be destroyed as soon after as the fresh publication of electoral rolls ordered to be prepared under sub-rule (4) of rule 9 has been completed

(6) The election petitions and proceeding and reports of election Commissioners thereon, shall be kept in the Legislative Department of the Government of India and unless their retention for a longer period is ordered by the Secretary in the said Department, shall be destroyed after 3 years or as soon after as the next general election has been completed

(7) The returns of election expenses lodged with Returning Officers shall be kept by them for three years and shall be destroyed as soon after as the next general election has been completed.

(8) The public shall have a right to inspect the election papers enumerated above and to get attested copies thereof on payment of fees prescribed for copies of record charged under the High Court Rules and Orders (Civil). Provided that returns of election expenses shall be available for inspection at the offices of the Returning Officers of the constituencies concerned on payment of a fee of Re. 1 each, and copies of such return shall be furnished on payment of a fee of Rs 2 each.

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### FORM I.

(REGULATION 1.)

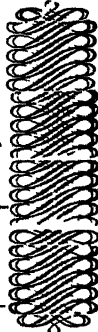
#### *Electoral Roll*

Serial No.	District	Name.	Age	Address	Qualification.	Remarks.
1	2	3	4	5	6	7

## FORM II

(REGULATION 17.)

*Form of front of ballot paper.*

Counterfoil		Outerfoil, Front.
Serial No.		_____
Constituency . . . . .		Names of candidates. Column for Cross (×) mark.
Number of polling station. _____		_____
Number of elector on electoral roll. _____		_____

NOTE.—It is considered important that the whole of the outerfoil of the Ballot paper should be taken up by the cage containing the names of candidates and spaces for recording votes

Back of Outerfoil.

*Instructions.*

- (1) The number of members for whom you may vote is one.
- (2) Place a cross mark thus × against the name of the candidate for whom you wish to vote.
- (3) The mark should be placed against not more than one candidate.

Serial No.

## FORM III.

(REGULATION 22.)

*Ballot paper account.*

Ordinary ballot paper    Tendered ballot paper.

1. Number received by the Returning Officer.
2. Number of unused ballot papers returned.
3. Number of spoilt ballot papers.
4. Number of tendered ballot papers.
5. Number of ballot papers dealt with under regulation 33.
6. Number in ballot box.

## REGULATION REGARDING THE RETURN OF ELECTION EXPENSES.

The return of the election expenses of each person who has been nominated as a candidate for an election to the Council of State shall be lodged with the Returning Officer in the following form :—

### FORM OF RETURN OF ELECTION EXPENSES.

1. *Receipts*.—Including all monies, securities and equivalents of money received from any person (including the candidate himself), club, society, or association in respect of any expenses, whether paid or remaining unpaid, incurred on account of or in connection with or incidental to the election. The name of each such person, etc., and the amount received shall be shown separately —

Date of receipt	Name and description of pavor.	Amount or value.
Total		

2. *Expenses*.—Including all payments made by the candidate or by his election agent or by any person on behalf of, or in the interests of, the candidate in respect of any expenses incurred on account of or in connection with or incidental to the election, and all unpaid claims in respect of any such expenses of which the candidate or his election agent is aware —

*N.B.*—(1) Vouchers shall be attached to the return for all items of expenditure amounting to Rs. 5 and over, unless from the nature of the case a receipt cannot be obtained ; the vouchers shall be numbered and arranged in serial order and the number of the voucher entered in the return against the item of expenditure

(2) Each payment made shall be entered separately, except payments on account of postage and telegrams for which lump sums may be shown. The name and description of each person paid and the work done or the nature of the goods supplied shall be shown in respect of each payment.

**PART A.**—*In this Part shall be shown the personal expenditure of the candidate, incurred or paid by him or by his election agent on his behalf, including all payments for personal services rendered, for hotel bills, for travelling expenses and for the purchase of books or election literature.*

Name and description of payee.	On what account.	Date of payment.	Voucher No.	Amount paid.	Amount unpaid.
Total					

**PART B.**—*In this Part shall be shown expenditure incurred by the candidate or his election agent for the remuneration of agents (including the election agent), clerks or messengers. The name and description of each agent, clerk or messenger employed and the rate of remuneration and the amount paid to each shall be shown separately.*

Name and description of payee.	On what account	Rate of payment	Date of payment	Voucher No.	Amount paid.	Amount remaining unpaid
Total						

**PART C.**—*In this Part shall be shown all other expenditure (including travelling expenses and cost of refreshments provided) incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers. The name and description of each agent, clerk or messenger and the amount paid to each shall be shown.*

Name and description of payee.	On what account.	Date of payment.	Voucher No.	Amount paid.	Amount remaining unpaid.
Total					

**PART D.**—*In this Part shall be shown the travelling expenses of persons (not being agents, clerks or messengers) whether in receipt of salary or not, incurred or paid by the candidate, his election agent or the person so travelling.*

Name and description of payee.	On what account.	Date of payment.	Voucher No.	Amount paid.	Amount remaining unpaid.
Total					

**PART E.**—*In this Part the cost of printing shall be shown.*

Name and description of payee.	On what account.	Date of payment, if any.	Voucher No.	Amount paid.	Amount unpaid.
Total					

**PART F.**—*In this Part the cost of advertising shall be shown.*

Name and description of payee.	On what account.	Date of payment, if any.	Voucher No.	Amount paid.	Amount unpaid.
Total					

**PART G.**—*In this Part the cost of Stationery shall be shown.*

Name and description of payee.	On what account	Date of payment, if any	Voucher No	Amount paid	Amount unpaid.
Total					

**PART H** —*In this Part the cost of postage and telegrams may be shown in lump sums.*

Expenditure incurred.	Date of payment, if separate payments are shown.	Amount paid.

**PART I.**—*In this Part the cost of rooms hired for public meetings or as Committee rooms or as an Office shall be shown.*

Name and description of payee.	Locality and description of rooms.	Date of payment.	Voucher No.	Amount paid.	Amount unpaid.
Total					

**PART J.**—*In this Part shall be included every disputed claim remaining unpaid.*

Name and description of of claimant.	Nature and alleged ground of claim.	Amount of claim.
Total .		

**PART K.**—*In this Part all expenditure incurred and payments made by the candidate or by his election agent or by any person on behalf of or in the interests of the candidate in connection with the election and not included in any of the foregoing parts shall be shown.*

Name and description of payee.	On what account.	Date of payment, if any.	Voucher No.	Amount paid.	Amount unpaid.
Total .					

**PART L.**—*In this Part the total expenditure incurred under each of the previous parts shall be shown.*

Part.	Paid.	Unpaid.	Total.
A			
B			
C			
D			
E			
F			
G			
H			
I			
J			
K			
Total. .			

## PART III.

**Regulations for the Holding of Elections by Means of the Single Transferable Vote.****I. In these Regulations—**

- (1) "continuing candidates" means candidates not elected or not excluded from the poll at any given time ;
- (2) "Council", "member" and "Secretary" have the meanings respectively assigned to them in the Standing Orders ;
- (3) "exhausted papers" means ballot papers on which no further preference is recorded for a continuing candidate : provided that a paper shall also be deemed to be exhausted in any case in which—
  - (a) the names of two or more candidates, whether continuing or not, are marked with the same figure and are next in order of preference, or
  - (b) the name of the candidate next in order of preference, whether continuing or not, is marked—
    - (i) by a figure not following consecutively after some other figure on the ballot paper, or
    - (ii) by two or more figures ;\*
- (4) "first preference" means the figure 1 set opposite the name of any candidate ; "second preference" similarly means the figure 2, "third preference" the figure 3. and so on ;
- (5) "original votes" in regard to any candidate means the votes derived from ballot papers on which a first preference is recorded for such candidate ;
- (6) "Standing Orders" means the Council of State Standing Orders ;

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\*The fact that a voter has not marked every preference correctly does not invalidate the whole of his preferences. His paper is only treated as exhausted when the wrongly marked preference is reached. The following are examples :—

(1)	1 1	(2)	A 1
	B 2		B 2
	C 3		C 3
	D 3		D 5
	E 4		E 6
			F—

In case (1) the preferences for A and B would be valid. If the third preference were reached the paper would be treated as exhausted, as it would be impossible to say for which candidate the voter really intended to give his third preference. In case (2) the preferences for A, B and C would be valid, but not the later ones, whether D had been elected or excluded or was still a continuing candidate. It is possible that the voter meant to give a fourth preference for some other candidate, *e.g.*, F, but omitted to do so. It would not be possible to treat 5 as being meant to be 4.

- (7) "surplus" means the number by which the value of the votes of any candidate, original and transferred, exceeds the quota as defined in regulation XI ;
- (8) "transferred votes" in regard to any candidate means votes the value or part of the value of which is credited to such candidate and which are derived from ballot papers on which a second or subsequent preference is recorded for such candidate ;
- (9) "unexhausted papers" means ballot papers on which a further preference is recorded for a continuing candidate.

*Proposal of candidates.*

II. (1) When a motion for the reference to a Select Committee of draft amendments to the Standing Orders has been carried, the President will appoint a period within which notice may be given by any member desirous of proposing a member or members for election to the Committee.

(2) The provisions of Standing Order 10 shall apply to such notices, which shall be signed by the member giving notice who must satisfy himself that the members he suggests are willing to serve if elected.

(3) If, on the expiration of the period appointed under clause (1), the number of candidates is less than the number of vacancies to be filled, the President will appoint a further period within which the notice aforesaid may be given, and may thereafter appoint additional further periods until the number of candidates is not less than the number of vacancies to be filled.

(4) If, on the expiration of the period appointed under clause (1) or of any further period appointed under clause (3), the number of candidates is equal to the number of vacancies to be filled, the President shall declare all the candidates to be duly elected.

(5) If, on the expiration of any such period, the number of candidates exceeds the number of vacancies, the President will appoint a date for the holding of an election in the manner hereinafter prescribed, and shall cause notice to be given of the date so appointed and of the names of the candidates.

*Voting.*

III. (1) All members shall be entitled to vote.

(2) No vote shall be given by proxy.

IV. The Secretary shall act as Returning Officer, and shall, subject to these regulations do all things necessary for the conduct of the election.

V. (1) The voting shall be by ballot. The Returning Officer shall ascertain that the person desiring to vote is a member who has not already voted and shall enter his name upon the counterfoil of a ballot paper in a ballot paper book which shall be provided for the purpose of the election, and shall then tear out the ballot paper corresponding to that counterfoil, and, having initialled the ballot paper with his initials on the back thereof, shall hand it to the member. Every ballot paper shall contain the names of all the candidates for election in the Form annexed to these regulations.

(2) When a member has received a ballot paper, he shall take the paper to a desk provided for the purpose and signify in the manner hereinafter provided for whom he desires to vote. The member shall then fold the ballot paper so that the Returning Officer's initials thereon may be visible and, having held up the ballot paper in such manner as to enable the Returning Officer to see the initials, shall drop the ballot paper in a ballot box to be placed in front of the Returning Officer.

(3) If a member inadvertently spoils a ballot paper, he may return it to the Returning Officer, who shall, if satisfied of such inadvertence, give him another paper and retain the spoiled paper and this spoiled paper shall be immediately cancelled, and the fact, of such cancellation shall be noted upon the counterfoil.

VI. Each member shall have one vote only. A member in giving his vote—

- (a) must place on his ballot paper the figure 1 in the square opposite the name of the candidate for whom he votes ;
- (b) may in addition place on his ballot paper the figure 2 or the figures 2 and 3, or 2, 3 and 4, and so on, in the squares opposite the names of other candidates in the order of his preference

VII. A ballot paper shall be invalid—

- (a) upon which a member signs his name or writes any word or makes any mark by which it becomes recognizable; or
- (b) which does not bear the Returning Officer's initials ; or
- (c) on which the figure 1 is not marked , or
- (d) on which the figure 1 is set opposite the name of more than one candidate ; or
- (e) on which the figure 1 and some other figure are set opposite the name of the same candidate ; or
- (f) which is unmarked or void for uncertainty.

*The counting of votes.*

VIII. The ballot papers shall be examined and the Returning Officer after rejecting any invalid ballot papers, shall divide the remaining paper into parcels according to the first preferences recorded for each candidate. He shall then count the number of papers in each parcel.

IX. In carrying out the regulations hereinafter contained, the Returning Officer shall—

(a) disregard all fractions.

(b) ignore all preferences recorded for candidates already elected or excluded from the poll.

X. For the purposes of facilitating the processes prescribed by the regulations hereinafter contained, each valid ballot paper shall be deemed to be of the value of one hundred.

XI. The Returning Officer shall add together the values of the papers in all the parcels and divide the total by a number exceeding by one the number of vacancies to be filled, and the result increased by one shall be the number sufficient to secure the return of a candidate (hereinafter called the quota).

XII. If at any time a number of candidates equal to the number of persons to be elected has obtained the quota, such candidates shall be treated as elected, and no further steps shall be taken.

XIII. (1) Any candidate the value of whose parcel, on the first preferences being counted, is equal to or greater than the quota, shall be declared elected.

(2) If the value of the papers in any such parcel is equal to the quota, the papers shall be set aside as finally dealt with.

(3) If the value of the papers in any such parcel is greater than the quota, the surplus shall be transferred to the continuing candidates indicated on the ballot papers as next in the order of the voters' preference, in the manner prescribed in the following regulation.

XIV. (1) If and whenever as the result of any operation prescribed by these regulations a candidate has a surplus, that surplus shall be transferred in accordance with the provisions of this regulation.

(2) If more than one candidate has a surplus, the largest surplus shall be dealt with first and the others in order of magnitude: provided that every surplus arising on the first count of votes shall be dealt with before those arising on the second count, and so on.

(3) Where two or more surpluses are equal, the Returning Officer shall decide, as hereinafter provided in regulation XIX, which shall first be dealt with.

(4) (a) If the surplus of any candidate to be transferred arises from original votes only, the Returning Officer shall examine all the papers in the parcel belonging to the candidate whose surplus is to be transferred, and divide the unexhausted papers into sub-parcels according to the next preferences recorded thereon. He shall also make a separate sub-paragraph of the exhausted papers.

(b) He shall ascertain the value of the papers in each sub-paragraph and of all the unexhausted papers.

(c) If the value of the unexhausted papers is equal to or less than the surplus, he shall transfer all the unexhausted papers at the value at which they were received by the candidate whose surplus is being transferred.

(d) If the value of the unexhausted papers is greater than the surplus, he shall transfer the sub-parcels of unexhausted papers, and the value at which each paper shall be transferred shall be ascertained by dividing the surplus by the total number of unexhausted papers.

(5) If the surplus of any candidate to be transferred arises from transferred as well as original votes, the Returning Officer shall re-examine all the papers in the sub-paragraph last transferred to the candidate, and divide the unexhausted papers into sub-parcels according to the next preferences recorded thereon. He shall thereupon deal with the sub-parcels in the same manner as is provided in the case of the sub-parcels referred to in clause (4).

(6) The papers transferred to each candidate shall be added in the form of a sub-paragraph to the papers already belonging to such candidate.

(7) All papers in the parcel or sub-paragraph of an elected candidate not transferred under this regulation shall be set aside as finally dealt with.

XV. (1) If after all surpluses have been transferred, as hereinbefore directed, less than the number of candidates required has been elected, the Returning Officer shall exclude from the poll the candidate lowest on the poll and shall distribute his unexhausted papers among the continuing candidates according to the next preferences recorded thereon. Any exhausted papers shall be set aside as finally dealt with.

(2) The papers containing original votes of an excluded candidate shall first be transferred, the transfer value of each paper being one hundred.

(3) The papers containing transferred votes of an excluded candidate shall then be transferred in the order of the transfers in which and at the value of which he obtained them.

(4) Each of such transfers shall be deemed to be a separate transfer.

(5) The process directed by this regulation shall be repeated on the successive exclusions one after another of the candidates lowest on the poll until the last vacancy is filled either by the election of a candidate with the quota or as hereinafter provided.

XVI. If as the result of a transfer of papers under these regulations the value of the votes obtained by a candidate is equal to or greater than the quota, the transfer then proceeding shall be completed, but no further papers shall be transferred to him.

XVIII. (1) If after the completion of any transfer under these regulations the value of the votes of any candidate shall be equal to or greater than the quota, he shall be declared elected.

(2) If the value of the votes of any such candidate shall be equal to the quota, the whole of the papers on which such votes are recorded shall be set aside as finally dealt with

(3) If the value of the votes of any such candidate shall be greater than the quota, his surplus shall thereupon be distributed in the manner hereinbefore provided, before the exclusion of any other candidate.

XVIII. (1) When the number of continuing candidates is reduced to the number of vacancies remaining unfilled, the continuing candidates shall be declared elected.

(2) When only one vacancy remains unfilled and the value of the votes of some one continuing candidate exceeds the total value of all the votes of the other continuing candidates, together with any surplus not transferred, that candidate shall be declared elected.

(3) When only one vacancy remains unfilled and there are only two continuing candidates and those two candidates have each the same value of votes and no surplus remains capable of transfer, one candidate shall be declared excluded under the next succeeding regulation, and the other declared elected.

XIX. If, when there is more than one surplus to distribute, two or more surpluses are equal, or if at any time it becomes necessary to exclude a candidate and two or more candidates have the same value of votes and are lowest on the poll, regard shall be had to the original votes of each candidate, and the candidate for whom fewest original votes are recorded shall have his surplus first distributed, or shall be first excluded, as the case may be. If the values of their original votes are equal, the Returning Officer shall decide by lot which candidate shall have his surplus distributed or be excluded.

## FORM OF BALLOT PAPER.

(SEE REGULATION V.)

*Form of front of Ballot Paper.*

Counterfoil No	Order of preference.	Names of candidates.
<i>Note.</i> —The counterfoil must show the number corresponding to this on the back of the ballot paper.		Muhammad Yasin.
		Vicar Hussain.
		Pearc Lal.
		H. Robinson.
		Muhammad Hussain.
		Ghulam Nabi.
		Pattab Chand
		Isher Das
		Balwant Singh.
		A. B. Smith.
		Abdul Rahim.

*Instructions to Members.*

A.—Each member has one vote and one vote only.

B.—The member votes—

(a) by placing the figure “ 1 ” opposite the name of his first choice.

He is also invited to place—

(b) the figure “ 2 ” opposite the name of his second choice.

(c) the figure “ 3 ” opposite the name of his third choice, and so on, numbering as many candidates as he pleases in order of his preference. The number of preferences is not necessarily restricted to the number of vacancies.

*N.B.*—The vote will be spoilt if the figure “ 1 ” is placed opposite the name of more than one candidate.

*Form of back of Ballot Paper.*

No.....

*Note.*—The number on the back of the ballot paper is to correspond with that on the counterfoil.

## APPENDIX.

## ILLUSTRATIVE ELECTION.

*Example of an election conducted on the system of the single transferable vote in accordance with the preceding regulations.*

Assuming that there are seven members to be elected, sixteen Regulation candidates, and fifty-four electors. IX.

The valid ballot papers are arranged in separate parcels according to the first preference recorded for each candidate, and the papers in each parcel counted.

Let it be assumed that the result is as follows :—

A	.	.	.	.	.	.	.	.	.	.	2
B							.	.	.	.	9
C		.					.		.	.	3
D	.					.		.	.	.	1
E	.				.			.	.	.	11
F							.	.	.	.	3
G							.	.	.	.	5
H	.	.	.				.	.	.	.	2
I	.	.		.	.	.			.	.	4
J			.						.	.	3
K							.	.	.	.	2
L						.	.	.	.	.	2
M		.		.		.	.	.	.	.	2
N						.	.	.	.	.	2
O		.	.			.	.	.	.	.	2
P	.					.	.	.	.	.	1
Total										<hr/> 54	

Each valid ballot paper is deemed to be of the value of one Regulation hundred and the values of the votes obtained by the respective X. candidates are as shewn in the first column of the result sheet

The values of all the papers are added together and the total Regulation 5,400 is divided by eight, (*i.e.*, the number which exceeds by one the XI. number of vacancies to be filled) and 676, (*i.e.*, the quotient 675, increased by one) is the number sufficient to secure the return of a member and is called the quota. The operation may be shewn thus :—

$$\text{Quota} = \frac{5,400}{8} + 1 = 675 + 1 = 676.$$

The candidates B and E, the values of whose votes exceed the Regulation quota, are declared elected. XIII (1).

Regulation  
XIII (3),  
transfer of  
surplus.

As the values of the papers in the parcels of B and E exceed the quota the surplus of each candidate must be transferred. B's surplus is 224, (*i.e.*, 900 less 676) and E's surplus is 424, (*i.e.*, 1,100 less 676).

Regulation  
XIV (2).

The largest surplus, that of E, is dealt with first.

Regulation  
XIV (4) (a).

The surplus arises from original votes, and therefore the whole of E's papers are divided into sub-parcels according to the next preferences recorded thereon, a separate parcel of the exhausted papers being also made. Let it be assumed that the result is as follows :—

			Papers.
G	is marked as next available preference on	.	5
H	Ditto ditto	.	3
L	Ditto ditto	.	2
Total of unexhausted papers			10
No. of exhausted papers			1
Total of papers			11

Regulation  
XIV (4) (b).

The values of the papers in the sub-parcels are as follows :—

G	.	.	.	.	.	.	.	500
H	.	.	.	.	.	.	.	300
L	.	.	.	.	.	.	.	200
Total value of unexhausted papers								1,000
Value of exhausted papers								100
Total value								1,100

Regulations  
XIV (4) (d).

The value of the unexhausted papers is 1,000 and is greater than the surplus. This surplus is, therefore, transferred as follows :— All the papers are transferred, but at a reduced value, which is ascertained by dividing the surplus by the number of unexhausted papers.

The reduced value of all the papers, when added together, with the addition of any value lost as the result of the neglect of fractions, equals the surplus. In this case the new value of each paper transferred is  $\frac{424 \text{ (the surplus)}}{10 \text{ (the number of unexhausted papers)}}$  = 42, the residue of the value, 58, being required by E for the purpose of constituting his quota, *i.e.*, one exhausted paper (value 100) *plus* the value (58) of 10 unexhausted papers.

The values of the sub-parcels transferred are :—

G=210 (*i.e.*, five papers at the value of 42)

H=126 (*i.e.*, three papers at the value of 42)

L=84 (*i.e.*, two papers at the value of 42).

. These operations can be shown on a transfer sheet as follows :—

*Transfer sheet.*

Value of surplus (E's) to be transferred	.	.	.	424
Number of papers in E's parcel	.	.	.	11
Value of each paper in parcel	.	.	.	100
Number of unexhausted papers	.	.	.	10
Value of unexhausted papers	.	.	.	1,000
			surplus	
New value of each paper transferred	= $\frac{\text{surplus}}{\text{number of exhausted papers}}$			
	424			
	10			= 42

Names of candidates marked as the next available preference.	Number of papers to be transferred.	Value of sub- parcel to be transferred.
G . . . . .	5	210
H. . . . .	3	126
L . . . . .	2	84
Total .	10	420
Number of exhausted papers .	1	..
Loss of value owing to neglect of fractions	..	4
Total . .	11	424

The values of the sub-parcels are added to the values of the votes already credited to the candidates G, H and L. This operation is shewn on the result sheet.

As a result of this operation G's total is brought above the quota and he is declared elected. Regulation XVII (1).

Regulation  
XIV (2).

The next largest surplus, that of B, *viz.*, 224, is then transferred, the operations being similar to those described in the transfer of E's surplus. Assume that there are no exhausted papers. The new value is therefore  $\frac{24}{9}$  or 24. The surplus is distributed according to next preferences, as follows —

A = (5 × 24) =	.	.	.	.	.	.	.	120	.
C = (4 × 24) =	.	.	.	.	.	.	.	96	.
Value lost owing to neglect of fractions	.	.	.	.	.	.	.	8	.
								<hr/>	
								Total	224
									<hr/>

Regulation  
XIV (5)

G's surplus has now to be transferred, only the sub-parcel last transferred being re-examined. The details are as follows :—

Value of G's surplus	.	.	.	.	.	.	.	34	.
No. of papers in sub-parcel	.	.	.	.	.	.	.	5	.
Value of each paper therein	.	.	.	.	.	.	.	42	.
No. of unexhausted papers	.	.	.	.	.	.	.	5	.
Value of unexhausted papers	.	.	.	.	.	.	.	210	.
								<hr/>	
New value of each paper transferred							$\frac{34}{5}$	6	.

The result of the distribution is shown on the result sheet, three papers of the value of six each being transferred to A and two of the same value to O

Regulation  
XV (1).

There being no further surplus, the candidate lowest on the poll has now to be excluded. D and P both have 100.

Regulation  
XIX.

The Returning Officer casts lots and P is chosen to be excluded

Regulation  
XV (2).

Being an original vote, P's paper is transferred at the value of 100 to I whom the elector had marked as second preference. D now being lowest is next excluded and his 100 is similarly transferred to K

Regulation  
XIX.

This leaves M and N lowest with 200 each and M is chosen by lot for exclusion first. His papers are transferred at the value of 100 each to A, and C, respectively. N is then excluded and his papers are transferred to F and I who each receive 100.

Regulation  
XV (3)

This leaves O lowest and he is excluded. His 212 consists of 2 original votes and of 2 transferred votes of the value of 6 each. A and C are each next preference on one of the original votes and each receive 100. J is next preference on both the transferred votes and receives 12. L is now lowest with 284 and is excluded. His two original votes are transferred at the value of 100 each to A and F. The remaining 84 represents 2 votes transferred at 42 each and these go at that rate to C and K.

J is now lowest with 312 and is therefore excluded. His 3 original votes are transferred at 100 each to A, C and I. The odd 12 represents 2 votes transferred at the value of 6 and these both go to F who is next preference on each paper.

A, C and I now exceed the quota and are declared elected, leaving one vacancy only to be filled. Regulation XVII (1).

Prior to further exclusions, the surpluses of these candidates have to be distributed. A and C both have a surplus of 62, but A having received fewer original votes than C, his surplus is distributed first. The last sub-parcel transferred to A consisted of one paper transferred at the value of 100 which exceeds the surplus, and as F was next preference on this paper, the whole surplus is transferred to him. C's surplus has then to be distributed and is similarly dealt with, the whole going to H I's surplus is then distributed and goes to K. Regulations XIV. (1) and XV (1). Regulation XIX Regulation XIV (5)

K being now lowest of the 3 continuing candidates, and the conditions or regulation XVIII (2) not being fulfilled, K is excluded.

His 366 consists of 2 original votes, one paper transferred at the value of 100, one transferred at the value of 42 and one at the value of 24. The 2 original votes are transferred first, and then the paper transferred at the value of 100 as this was the first of the transfers. H was next preference on these 3 papers and 300 is therefore transferred to him. He now exceeds the quota and the election is complete, the completion of the transfer of K's votes being rendered unnecessary. Full details are shown in the result sheet. Regulation XV (2) and (3). Regulations XV (4) and XVI.